

City of Carmel

Common Council

SPECIAL MEETING

January 23, 2006

6:00 P.M.

COMMON COUNCIL SPECIAL MEETING AGENDA

MONDAY, JANUARY 23, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEETING CALLED TO ORDER

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS
4. APPROVAL OF MINUTES
 - a. January 9, 2006 Special Meeting
5. RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL
6. COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS
7. ACTION ON MAYORAL VETOES
8. CLAIMS
 - Payroll
 - General Claims
 - Retirement
9. COMMITTEE REPORTS
 - a. Finance, Administration and Rules Committee
 - b. Land Use, Annexation and Economic Development Committee
 - c. Parks, Recreation and Arts Committee
 - d. Utilities, Transportation and Public Safety Committee

10. **OLD BUSINESS**

- a. **Second Reading of Ordinance D-1789-05**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section 2-56 of the Carmel City Code (City Employee Deferred Compensation Match); Sponsor: Councilor Glaser.
- b. **Second Reading of Ordinance D-1792-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the City to Issue Its Taxable Economic Development Revenue Bonds, Series 2006 (Parkwood West Project), and Approving Other Actions in Respect Thereto (\$6,000,000); Sponsor(s): Councilor(s) Sharp and Carter.
- c. **Second Reading of Ordinance Z-485-05**; An Ordinance of the Common Council of the City of Carmel, Amending the Parking Requirements in the Carmel Zoning Ordinance (Chapter 27: Additional Parking & Loading Regulations); Sponsor: Councilor Rattermann.

11. **PUBLIC HEARINGS**

12. **NEW BUSINESS**

- a. **First Reading of Ordinance D-1793-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 5, Division VIII, Section 6-161 of the Carmel City Code (Section 6-161, Correction of a scrivener's error); Sponsor: Councilor Glaser.
- b. **First Reading of Ordinance D-1794-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Regarding City of Carmel Stormwater Management; Sponsor: Councilor Glaser.
- c. **First Reading of Resolution CC-01-23-06-01 (Formerly CC-01-09-06-02)**; A Resolution of the Common Council of the City of Carmel, Indiana, Approving an Amendment to the Carmel/Clay Comprehensive Plan Regarding Civic Design Policies; Sponsor: Councilor Rattermann.
- d. **First Reading of Resolution CC-01-23-06-02**; A Resolution of the Common Council of the City of Carmel, Indiana, Amending the Contract with the Carmel Professional Firefighters Association (Local #4444); Sponsor: Councilor Mayo.

13. **OTHER BUSINESS**

- a. **Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05

- b. **First Reading of Ordinance D-1790-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing Speed Limits and Stop Intersections, and Designating Through Highways, Relative to the Monon Greenway; Sponsor: Councilor Carter. UTILITIES AND TRANSPORTATION COMMITTEE.
- c. **First Reading of Ordinance D-1791-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 4, Section 6-54 of the Carmel City Code (Posting and Placement of Signs in Public Right-Of-Way Prohibited); Sponsor(s): Councilor(s) Carter and Mayo. UTILITIES AND TRANSPORTATION COMMITTEE.

14. **ANNOUNCEMENTS**

15. **EXECUTION OF DOCUMENTS**

16. **ADJOURNMENT**

COMMON COUNCIL SPECIAL MEETING MINUTES

MONDAY, JANUARY 9, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Council President Rick Sharp, Council Members, Kevin Kirby, Brian Mayo, Joe Griffiths, Fred Glaser, Ron Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Carmel Police Chaplain, George, Davis, pronounced the Invocation.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

APPROVAL OF MINUTES:

Councilor Mayo made a motion to approve the Minutes of the December 19, 2005 Regular Meeting. Councilor Griffiths seconded. Council President Sharp called for the question. The Minutes were approved 7-0.

Councilor Mayo made a motion to approve the Minutes of the December 28, 2005 Special Meeting. Councilor Griffiths seconded. Council President Sharp called for the question. The Minutes were approved 7-0.

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

There were none.

COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

Councilor Mayo congratulated the City, Mayor, Council and the Clerk-Treasurer's office for decreasing the tax rate lower than the rate for the past year. The City will end the year with a positive fund balance.

Council President Sharp recognized Clerk-Treasurer Diana L. Cordray for her appointment by Governor Mitch Daniels, as a member of the Indiana Governor's Council for Physical Fitness and Sports.

ACTION ON MAYORAL VETOES:

There were none.

CLAIMS:

Councilor Mayo made a motion to approve the claims in the amount of \$477,038.41. Councilor Griffiths seconded. Council President Sharp called for the question. Claims were approved 7-0.

COMMITTEE REPORTS:

Councilor Rattermann reported that the Finance, Administration and Rules Committee had not met. The next meeting will be Monday, January 23, 2006 at 5:00 p.m.

Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee had not met. The next meeting will be Thursday, January 12, 2006 at 5:30 p.m.

Councilor Carter reported that the Parks, Recreation and Arts Committee had not met. The next meeting will be Tuesday, January 10, 2006 at 3:00 p.m.

Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee had not met. The meeting scheduled for January 9, 2006 was cancelled. The next meeting will be Monday, February 13, 2006 at 5:00 p.m.

OLD BUSINESS

There was none.

PUBLIC HEARINGS

Councilor Sharp announced the **Third Reading of Ordinance Z-483-05 (Formerly D-1776-05)**; An Ordinance of the Common Council of the City of Carmel, Indiana, Repealing and Removing Chapter 7 ("ROSO III") from the Carmel Subdivision Control Ordinance. Council President Sharp passed the gavel to Councilor Glaser and presented an amended version to Council. Acting Council President Glaser opened the Public Hearing at 6:08 p.m. Seeing no one who wished to speak, Acting Council President Glaser closed the Public Hearing at 6:09 p.m. There was brief Council discussion. Councilor Kirby made a motion to accept Ordinance Z-483-05, As Amended, Version 12/28/2005, 9:30 a.m. Councilor Sharp seconded. Acting Council President Glaser called for the question. The motion was approved 7-0. There was no Council discussion. Acting Council President Glaser called for the question.

Ordinance Z-483-05, As Amended, was adopted 7-0.

Council President Sharp reclaimed the gavel from Acting Council President Glaser.

Council President Sharp announced **Resolution CC-01-09-06-01**; A confirmatory Resolution of the Common Council of the City of Carmel, Indiana for Designation of the Attached Property As An Economic Revitalization Area and Approval of a Two (2) Year Real Property Tax Abatement for MCP Partners Two, LLC (Walker Information, Inc./Lauth Property Group, Inc.). Councilor Rattermann made a motion to introduce this item into business. Councilor Glaser seconded. Councilor Rattermann presented this item to Council. Council President Sharp opened the Public Hearing at 6:12 p.m. Seeing no one who wished to speak, Council President Sharp closed the Public Hearing at 6:12:30 p.m. There was brief Council discussion. Council President Sharp called for the question.

Resolution CC-01-09-06-01 was adopted 7-0.

NEW BUSINESS

Council President Sharp announced the **First Reading of Ordinance D-1790-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing Speed Limits and Stop Intersections, and Designating Through Highways, Relative to the Monon Greenway. Councilor Rattermann made a motion to introduce this item into business. Councilor Glaser seconded. Councilor Carter presented this item to Council. There was no Council discussion. Council President Sharp referred Ordinance D-1790-06 to the Utilities, Transportation and Public Safety Committee for further review and consideration.

Council President Sharp announced the **First Reading of Ordinance D-1791-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 4, Section 6-54 of the Carmel City Code (Posting and Placement of Signs in Public Right-Of-Way Prohibited). Councilor Mayo made a motion to introduce this item into business. Councilor Glaser seconded. Councilor Carter presented this item to Council. There was brief Council discussion. Council President Sharp referred Ordinance D-1791-06 to the Utilities, Transportation and Public Safety Committee for further review and consideration.

Council President Sharp announced the **First Reading of Ordinance D-1792-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the City to Issue Its Taxable Economic Development Revenue Bonds, Series 2006 (Parkwood West Project), and Approving Other Actions in Respect Thereto (\$6,000,000). Councilor Kirby made a motion to introduce this item into business. Councilor Mayo seconded. Councilor Carter presented this item to Council and referred to Tom Pittman, Baker & Daniels LLP, 300 North Meridian Street, Suite 2700, Indianapolis, Indiana 46204 and Loren Matthes, Umbaugh & Company, 20 E. 91st Street, Suite 100, Indianapolis, Indiana 46240, for a presentation to Council. Council President Sharp referred Ordinance D-1792-06 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Sharp announced **Resolution CC-01-09-06-02**; A Resolution of the Common Council of the City of Carmel, Indiana, Approving An Amendment to the Carmel Clay Comprehensive Plan Regarding Civic Design Policies. Councilor Mayo made a motion to introduce this item into business. Councilor Rattermann seconded. Councilor Rattermann referred to Adrienne Keeling, Department of Community Services, for a presentation to Council. There was brief Council discussion. Council President Sharp called for the question. The motion was approved 7-0. Resolution CC-01-09-06-02 was referred to the Land Use, Annexation and Rules Committee for further review and consideration. There was brief Council discussion. Councilor Kirby made a motion to suspend the rules and not vote on this item this evening and send it to committee. Councilor Griffiths seconded.

OTHER BUSINESS

Second Reading of Ordinance D-1782-05; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05. Councilor Glaser would like for this ordinance to remain tabled.

First Reading of Ordinance D-1789-05; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section 2-56 of the Carmel City Code (City Employee Deferred Compensation Match); Sponsor: Councilor Glaser. SENT TO FINANCE. This item was not discussed.

First Reading of Ordinance Z-485-05; An Ordinance of the Common Council of the City of Carmel, Amending the Parking Requirements in the Carmel Zoning Ordinance (Chapter 27: Additional Parking & Loading Regulations); Sponsor: Councilor Rattermann. SENT TO LUAC. This item was not discussed.

ANNOUNCEMENTS

Councilor Kirby will hold a Special Utilities, Transportation and Public Safety Committee on Monday, February 6, 2006.

EXECUTION OF DOCUMENTS

Mayor Brainard adjourned the meeting following execution of documents at 6:38 p.m.

ADJOURNMENT

Respectfully submitted,

Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

Mayor James Brainard

ATTEST:

Clerk-Treasurer Diana L. Cordray, IAMC

ORDINANCE D-1789-05

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
CARMEL, INDIANA, AMENDING CHAPTER 2, ARTICLE 3, DIVISION II,
SECTION 2-56 OF THE CARMEL CITY CODE**

WHEREAS, a competitive benefits package is critical to attracting and retaining qualified employees in a competitive employment market; and

WHEREAS, planning and saving for retirement is an essential part of sound personal financial management, and one in which the City of Carmel desires to assist its employees; and

WHEREAS, the City has established a program to match contributions made by eligible employees to a deferred compensation account; and

WHEREAS, it is necessary to periodically adjust benefit levels to reflect the regulatory environment and the cost, equity and effectiveness of such benefits.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. Chapter 2, Article 3, Division II, Section 2-56(g)(2) of the Carmel City Code is hereby amended to read as follows:

(2) Employee contributions will be matched by the City at the levels stated below. The City's matching contribution shall not exceed 50% of the employee contribution or \$7,500 annually, whichever is lower, regardless of the employee's length of service or the amount of his or her deferral.

- a) No match in the first year of employment with the City;
- b) Ten percent (10%) match after one full calendar year of employment with the City;
- c) Twenty percent (20%) match after two full calendar years of employment with the City;
- d) Thirty percent (30%) match after three full calendar years of employment with the City;
- e) Forty percent (40%) match after four full calendar years of employment with the City;
- f) Fifty percent (50%) match after five full calendar years of employment with the City.

1 Section 3. All prior ordinances or parts thereof inconsistent with any provision of
2 this Ordinance are hereby repealed as of the effective date of this Ordinance.
3

4 Section 4. If any portion of this Ordinance is for any reason declared to be
5 unconstitutional or invalid, such decision shall not affect the validity of the remaining
6 portions of this Ordinance so long as enforcement of same can be given the same effect.
7

8 Section 5. This Ordinance shall be in full force and effect on and after January 1,
9 2006.
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14 **PASSED** by the Common Council of the City of Carmel, Indiana this _____ day
15 of _____ 2006, by a vote of _____ ayes and _____ nays.
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Joseph C. Griffiths

Kevin Kirby

Brian D. Mayo

Mark Rattermann

Diana L. Cordray, IAMC, Clerk-Treasurer

Diana L. Cordray, IAMC, Clerk-Treasurer

James Brainard, Mayor

Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by: Barbara A. Lamb
Director of Human Resources

1 SPONSOR(S): Councilor(s) Sharp and Carter
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4 ORDINANCE D-1792-06
5 AS AMENDED
6

7 AN ORDINANCE OF THE COMMON COUNCIL
8 OF THE CITY OF CARMEL, INDIANA,
9 AUTHORIZING THE CITY TO ISSUE ITS
10 TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS,
11 SERIES 2006 (PARKWOOD WEST PROJECT),
12 AND APPROVING OTHER ACTIONS IN RESPECT THERETO
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14

15 WHEREAS, the Carmel Economic Development Commission (the "EDC") heretofore
16 conducted a public hearing in accordance with Indiana Code 36-7-12-24(a) regarding the
17 financing of the costs of the acquisition, construction and installation of certain road and utility
18 infrastructure improvements (the "Project") for economic development facilities of Duke Realty
19 Limited Partnership (the "Borrower"), notice of which was published in accordance with Indiana
20 Code 5-3-1, at which time the public was informed of an opportunity to express their views for
21 or against the Project and the issuance of bonds therefor; and

22 WHEREAS, following such public hearing, the EDC (i) considered whether the Project
23 will have an adverse competitive effect on similar facilities already constructed or operating in
24 the City of Carmel, Indiana (the "City") and rendered an evaluative report (the "Report"),
25 together with related findings of fact (the "Findings"), regarding the Project and (ii) adopted an
26 authorizing resolution, which resolution has been transmitted hereto, finding, among other things,
27 that (a) the proposed financing will be of benefit to the health, prosperity, economic stability and
28 general welfare of the City and its citizens, (b) the proposed financing complies with the
29 provisions of Indiana Code 36-7-11.9 and -12, as amended (collectively, the "Act") and (c)
30 further approving the form and terms of the Trust Indenture (including the form of the Bonds

1 contained therein) and the Loan Agreement (including the form of the Notes as an exhibit thereto)
2 (as such capitalized terms are hereinafter defined) and recommending this form of Ordinance
3 (the "~~Bond~~-Ordinance") for approval by the Common Council of the City (the "Council"); and

4 WHEREAS, in compliance with Indiana Code 36-7-12-23(b), the EDC submitted the
5 Report and the Findings to the President of the Carmel Plan Commission and the Superintendent
6 of Carmel Clay Schools for their review, and the EDC has not received any written comments
7 from such officials concerning the Report and the Findings within five (5) days from their
8 respective receipt thereof; and

9 WHEREAS, pursuant to a Trust Indenture (the "Trust Indenture"), between the City and
10 a financial institution in its capacity as a corporate trustee (the "Trustee"), the City proposes to
11 issue its economic development revenue bonds to provide funds for the Project and lending such
12 funds to the Borrower, pursuant to a Loan Agreement (the "Loan Agreement"), between the
13 ~~Issuer~~City and the Borrower, which prescribes the terms and conditions under which the
14 Borrower shall repay such loan and pursuant to which the Borrower will execute and deliver to
15 the ~~Issuer~~City a promissory note evidencing the Borrower's repayment obligation (the "Notes")
16 in the principal amount equal to the aggregate principal amount of the Bonds; and

17 WHEREAS, based upon the Report, the Findings and the resolution adopted by the EDC
18 pertaining to the Project, the City hereby finds and determines that the financing approved by the
19 EDC for the Project will be of benefit to the health and general welfare of the City and its
20 citizens, complies with the provisions of the Act and the amount necessary to finance the costs of
21 the Project, will require the issuance, sale and delivery of one or more series of economic
22 development revenue bonds in an aggregate principal amount not to exceed \$6,000,000;

1 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
2 CITY OF CARMEL, INDIANA THAT:

3 SECTION 1. It is hereby found that the financing of the Project for the economic
4 development facilities referred to in the Loan Agreement approved by the EDC and presented to
5 this Council, the issuance and sale of revenue bonds in one or more series and designated as the
6 "City of Carmel, Indiana, Taxable Economic Development Revenue Bonds, Series 2006
7 (Parkwood West Project)" (the "Bonds"), the loan of the proceeds of the Bonds to the Borrower
8 for the financing of a portion of the costs of the Project, the payment of the Bonds from TIF
9 Revenues (as defined in the Trust Indenture) and note payments of the Borrower under the Loan
10 Agreement and the Note, and the securing of said Bonds under the Trust Indenture complies with
11 the purposes and provisions of the Act and will be of benefit to the health, prosperity, economic
12 stability and general welfare of the City and its citizens.

13 SECTION 2. The proceeds of the Bonds will be used for financing the costs of the
14 Project for the economic development facilities of the Borrower to be located within the portion
15 of the Parkwood Economic Development Area in the area bounded on the west by Spring Mill
16 Road, on the north by I-465, on the east by Meridian Street and on the south by 96th Street.

17 SECTION 3. At the public hearing held before the EDC, the EDC considered
18 whether the Project would have an adverse competitive effect on any similar facilities already
19 constructed or operating within the City, and subsequently found, based on the Findings
20 approved in connection with the Report, that the Project would not have an adverse competitive
21 effect. This Council hereby confirms the findings set forth in the EDC's resolution and
22 concludes that the Project will not have an adverse competitive effect on any other similar

1 facilities already constructed or operating within the City, and the facilities will be of benefit to
2 the health, prosperity, economic stability and general welfare of the City and its citizens.

3 SECTION 4. The City shall issue its Bonds in a total maximum principal amount
4 not to exceed Six Million Dollars (\$6,000,000). The Bonds shall mature no later than twenty (20)
5 years from the date of the first interest payment thereon. The Bonds shall bear interest at a rate
6 or rates not exceeding eight and one-half percent (8.5%) per annum. The Bonds are to be issued
7 for the purpose of procuring funds to pay the costs of the Project, capitalized interest and costs of
8 issuance of the Bonds, as more particularly set forth in the Trust Indenture and the Loan
9 Agreement, incorporated herein by reference. The Bonds will be payable as to principal,
10 premium, if any, and interest from TIF Revenues and the note payments made by the Borrower
11 under the Loan Agreement and the Note or as otherwise provided in the above-described Trust
12 Indenture. The Bonds shall be issued in fully registered form in denominations of One Hundred
13 Thousand Dollars (\$100,000) and integral multiples of Five Thousand Dollars (\$5,000) in excess
14 thereof or as otherwise provided in the Trust Indenture, and shall be redeemable as provided in
15 the Trust Indenture. Payments of principal and interest are payable in lawful money of the
16 United States of America by check mailed or delivered to the registered owners thereof as
17 provided in the Trust Indenture. Pursuant to Indiana Code 36-7-12-25(b), the Bonds shall never
18 constitute a general obligation of, an indebtedness of, or a charge against the general credit of the
19 City nor are the Bonds payable in any manner from revenues raised by taxation except for the
20 pledged TIF Revenues.

21 SECTION 5. The Mayor of the City (the "Mayor") and the Clerk-Treasurer of the
22 City (the "Clerk-Treasurer") are authorized and directed to sell the Bonds to the original
23 purchasers thereof pursuant to a purchase or placement agreement (the "Sale Agreement"),

1 among the City, the Borrower and City Securities Corporation, and/or any other designated
2 purchaser, underwriter or placement agent (the "Sale Agent"), at the purchase prices set forth
3 therein, and on the terms and conditions described therein. The Bonds may be offered and sold
4 pursuant to an offering document (the "Offering Document") in form and substance satisfactory
5 to the Mayor or the Clerk-Treasurer and consistent with the parameters of this Ordinance and
6 such Offering Document may be made available and distributed in such manner, at such times,
7 for such periods and in such number of copies as such officers may determine in consultation
8 with the City's financial advisor. The Mayor or the Clerk-Treasurer is authorized to (i) deem a
9 preliminary Offering Document as "nearly final" if required under Rule 15c2-12 under the
10 Securities Exchange Act of 1934; (ii) provide the Offering Document to the Sale Agent, prior to
11 the time the Sale Agent purchases, offers or places the Bonds, for purposes of marketing such
12 Bonds; and (iii) finalize the Offering Document with such changes in form or substance as are
13 necessary and appropriate.

14 SECTION 6. The substantially final forms of the Loan Agreement, the Note, the
15 Trust Indenture and the Bonds approved by the EDC are hereby approved (such documents,
16 together with the Sale Agreement and the Offering Document are herein collectively referred to
17 as the "Financing Documents"). The Mayor and the Clerk-Treasurer are, and each of them is,
18 authorized and directed to execute, attest and affix or imprint by any means the corporate seal of
19 the City, acknowledge and deliver, in the name and on behalf of the City, the Financing
20 Documents, and all other material instruments, agreements, closing papers, certificates,
21 assignments or other documents, to be executed or accepted by it in substantially the forms
22 submitted to the City or its counsel and not inconsistent with the Financing Documents, with
23 such changes therein not inconsistent with this Ordinance and not substantially adverse to the

1 City as may be permitted by the Act and approved by the officers executing the same on behalf
2 of the City without further approval of the Council or of the EDC; provided, however, that no
3 such modification or addition shall change the maximum principal amount of, interest rate on, or
4 terms of the Bonds described in Indiana Code 36-7-12-27(a) as set forth in this Ordinance
5 without further consideration by the Council. The approval of such changes by such officers, to
6 the extent such are not substantially adverse to the City, shall be conclusively evidenced by the
7 execution and attestation or acceptance of receipt of any of the foregoing documents by such
8 officers. The signatures of the Mayor and the Clerk-Treasurer on the Bonds may be either
9 manual or facsimile signatures. A copy of each of the Financing Documents will be available
10 from the Clerk-Treasurer upon request. The Clerk-Treasurer is authorized to arrange for delivery
11 of such Bonds to the Trustee named in the Trust Indenture, and payment for the Bonds will be
12 made to the Trustee named in the Trust Indenture and after such payment, the Bonds will be
13 delivered by the Trustee to the purchasers thereof. The Bonds shall be originally dated the date
14 of issuance and delivery thereof.

15 SECTION 7. The provisions of this Ordinance and the Trust Indenture securing the
16 Bonds shall constitute a contract binding between the City and the holders of the Bonds, and
17 after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect
18 which would adversely affect the rights of such holders so long as said Bonds or the interest
19 thereon remains unpaid.

20 SECTION 8. This Ordinance shall be effective upon its passage by the Council and
21 approval by the Mayor of the City, in accordance with Indiana Code 36-4-6 et seq.

22 PASSED AND ADOPTED by the Common Council of the City of Carmel, Indiana this
23 ____ day of _____ 2006, by a vote of ____ ayes and ____ nays.

1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

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5 Presiding Officer

Joseph C. Griffiths

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7 _____
8 Richard L. Sharp, President Pro Tempore

Kevin Kirby

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10 _____
11 Ronald E. Carter

Brian D. Mayo

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13 _____
14 Fredrick J. Glaser

Mark Rattermann

15 ATTEST:

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18 _____
19 Diana L. Cordray, IAMC, Clerk-Treasurer

20 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
21 _____ 2006, at _____.M.

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24 _____
25 Diana L. Cordray, IAMC, Clerk-Treasurer

26 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
27 _____ 2006 at _____.M.

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30 _____
31 James Brainard, Mayor

32 ATTEST:

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35 _____
36 Diana L. Cordray, IAMC, Clerk-Treasurer

37 **Prepared by:** Thomas A. Pitman
38 Jason M. Schiesser
39 Baker & Daniels LLP
40 300 North Meridian Street, Suite 2700
41 Indianapolis, Indiana 46204

1 **SPONSOR(S): Councilor(S) Sharp and Carter**
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5 **ORDINANCE D-1792-06**
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7 **AN ORDINANCE OF THE COMMON COUNCIL**
8 **OF THE CITY OF CARMEL, INDIANA,**
9 **AUTHORIZING THE CITY TO ISSUE ITS**
10 **TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS,**
11 **SERIES 2006 (PARKWOOD WEST PROJECT),**
12 **AND APPROVING OTHER ACTIONS IN RESPECT THERETO**
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15 WHEREAS, the Carmel Economic Development Commission (the "EDC") heretofore
16 conducted a public hearing in accordance with Indiana Code 36-7-12-24(a) regarding the
17 financing the costs of the acquisition, construction and installation of certain road and utility
18 infrastructure improvements (the "Project") for economic development facilities of Duke Realty
19 Limited Partnership (the "Borrower"), notice of which was published in accordance with Indiana
20 Code 5-3-1, at which time the public was informed of an opportunity to express their views for
21 or against the Project and the issuance of bonds therefor; and

22 WHEREAS, following such public hearing, the EDC (i) considered whether the Project
23 will have an adverse competitive effect on similar facilities already constructed or operating in
24 the City of Carmel, Indiana (the "City") and rendered an evaluative report (the "Report"),
25 together with related findings of fact (the "Findings"), regarding the Project and (ii) adopted an
26 authorizing resolution, which resolution has been transmitted hereto, finding, among other things,
27 that (a) the proposed financing will be of benefit to the health, prosperity, economic stability and
28 general welfare of the City and its citizens, (b) the proposed financing complies with the
29 provisions of Indiana Code 36-7-11.9 and -12, as amended (collectively, the "Act") and (c)
30 further approving the form and terms of the Trust Indenture (including the form of the Bonds

1 contained therein) and the Loan Agreement (including the form of the Notes as an exhibit thereto)
2 (as such capitalized terms are hereinafter defined) and recommending this form of Ordinance
3 (the "Bond Ordinance") for approval by the Common Council of the City (the "Council"); and

4 WHEREAS, in compliance with Indiana Code 36-7-12-23(b), the EDC submitted the
5 Report and the Findings to the President of the Carmel Plan Commission and the Superintendent
6 of Carmel Clay Schools for their review, and the EDC has not received any written comments
7 from such officials concerning the Report and the Findings within five (5) days from their
8 respective receipt thereof; and

9 WHEREAS, pursuant to a Trust Indenture (the "Trust Indenture"), between the City and
10 a financial institution in its capacity as a corporate trustee (the "Trustee"), the City proposes to
11 issue its economic development revenue bonds to provide funds for the Project and lending such
12 funds to the Borrower, pursuant to a Loan Agreement (the "Loan Agreement"), between the
13 Issuer and the Borrower, which prescribes the terms and conditions under which the Borrower
14 shall repay such loan and pursuant to which the Borrower will execute and deliver to the Issuer a
15 promissory note evidencing the Borrower's repayment obligation (the "Notes") in the principal
16 amount equal to the aggregate principal amount of the Bonds; and

17 WHEREAS, based upon the Report, the Findings and the resolution adopted by the EDC
18 pertaining to the Project, the City hereby finds and determines that the financing approved by the
19 EDC for the Project will be of benefit to the health and general welfare of the City and its
20 citizens, complies with the provisions of the Act and the amount necessary to finance the costs of
21 the Project, will require the issuance, sale and delivery of one or more series of economic
22 development revenue bonds in an aggregate principal amount not to exceed \$6,000,000;

1 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
2 CITY OF CARMEL, INDIANA THAT:

3 SECTION 1. It is hereby found that the financing of the Project for the economic
4 development facilities referred to in the Loan Agreement approved by the EDC and presented to
5 this Council, the issuance and sale of revenue bonds in one or more series and designated as the
6 "City of Carmel, Indiana, Taxable Economic Development Revenue Bonds, Series 2006
7 (Parkwood West Project)" (the "Bonds"), the loan of the proceeds of the Bonds to the Borrower
8 for the financing of a portion of the costs of the Project, the payment of the Bonds from TIF
9 Revenues (as defined in the Trust Indenture) and note payments of the Borrower under the Loan
10 Agreement and the Note, and the securing of said Bonds under the Trust Indenture complies with
11 the purposes and provisions of the Act and will be of benefit to the health, prosperity, economic
12 stability and general welfare of the City and its citizens.

13 SECTION 2. The proceeds of the Bonds will be used for financing the costs of the
14 Project for the economic development facilities of the Borrower to be located within the
15 Parkwood Economic Development Area in the area bounded on the west by Spring Mill Road,
16 on the north by I-465, on the east by Meridian Street and on the south by 96th Street.

17 SECTION 3. At the public hearing held before the EDC, the EDC considered
18 whether the Project would have an adverse competitive effect on any similar facilities already
19 constructed or operating within the City, and subsequently found, based on the Findings
20 approved in connection with the Report, that the Project would not have an adverse competitive
21 effect. This Council hereby confirms the findings set forth in the EDC's resolution and
22 concludes that the Project will not have an adverse competitive effect on any other similar

1 facilities already constructed or operating within the City, and the facilities will be of benefit to
2 the health, prosperity, economic stability and general welfare of the City and its citizens.

3 SECTION 4. The City shall issue its Bonds in a total maximum principal amount
4 not to exceed Six Million Dollars (\$6,000,000). The Bonds shall mature no later than twenty (20)
5 years from the date of the first interest payment thereon. The Bonds shall bear interest at a rate
6 or rates not exceeding eight and one-half percent (8.5%) per annum. The Bonds are to be issued
7 for the purpose of procuring funds to pay the costs of the Project, capitalized interest and costs of
8 issuance of the Bonds, as more particularly set forth in the Trust Indenture and the Loan
9 Agreement, incorporated herein by reference. The Bonds will be payable as to principal,
10 premium, if any, and interest from TIF Revenues and the note payments made by the Borrower
11 under the Loan Agreement and the Note or as otherwise provided in the above-described Trust
12 Indenture. The Bonds shall be issued in fully registered form in denominations of One Hundred
13 Thousand Dollars (\$100,000) and integral multiples of Five Thousand Dollars (\$5,000) in excess
14 thereof or as otherwise provided in the Trust Indenture, and shall be redeemable as provided in
15 the Trust Indenture. Payments of principal and interest are payable in lawful money of the
16 United States of America by check mailed or delivered to the registered owners thereof as
17 provided in the Trust Indenture. Pursuant to Indiana Code 36-7-12-25(b), the Bonds shall never
18 constitute a general obligation of, an indebtedness of, or a charge against the general credit of the
19 City nor are the Bonds payable in any manner from revenues raised by taxation except for the
20 pledged TIF Revenues.

21 SECTION 5. The Mayor of the City (the "Mayor") and the Clerk-Treasurer of the
22 City (the "Clerk-Treasurer") are authorized and directed to sell the Bonds to the original
23 purchasers thereof pursuant to a purchase or placement agreement (the "Sale Agreement"),

1 among the City, the Borrower and City Securities Corporation, and/or any other designated
2 purchaser, underwriter or placement agent (the "Sale Agent"), at the purchase prices set forth
3 therein, and on the terms and conditions described therein. The Bonds may be offered and sold
4 pursuant to an offering document (the "Offering Document") in form and substance satisfactory
5 to the Mayor or the Clerk-Treasurer and consistent with the parameters of this Ordinance and
6 such Offering Document may be made available and distributed in such manner, at such times,
7 for such periods and in such number of copies as such officers may determine in consultation
8 with the City's financial advisor. The Mayor or the Clerk-Treasurer is authorized to (i) deem a
9 preliminary Offering Document as "nearly final" if required under Rule 15c2-12 under the
10 Securities Exchange Act of 1934; (ii) provide the Offering Document to the Sale Agent, prior to
11 the time the Sale Agent purchases, offers or places the Bonds, for purposes of marketing such
12 Bonds; and (iii) finalize the Offering Document with such changes in form or substance as are
13 necessary and appropriate.

14 SECTION 6. The substantially final forms of the Loan Agreement, the Note, the
15 Trust Indenture and the Bonds approved by the EDC are hereby approved (such documents,
16 together with the Sale Agreement and the Offering Document are herein collectively referred to
17 as the "Financing Documents"). The Mayor and the Clerk-Treasurer are, and each of them is,
18 authorized and directed to execute, attest and affix or imprint by any means the corporate seal of
19 the City, acknowledge and deliver, in the name and on behalf of the City, the Financing
20 Documents, and all other material instruments, agreements, closing papers, certificates,
21 assignments or other documents, to be executed or accepted by it in substantially the forms
22 submitted to the City or its counsel and not inconsistent with the Financing Documents, with
23 such changes therein not inconsistent with this Ordinance and not substantially adverse to the

1 City as may be permitted by the Act and approved by the officers executing the same on behalf
2 of the City without further approval of the Council or of the EDC; provided, however, that no
3 such modification or addition shall change the maximum principal amount of, interest rate on, or
4 terms of the Bonds described in Indiana Code 36-7-12-27(a) as set forth in this Ordinance
5 without further consideration by the Council. The approval of such changes by such officers, to
6 the extent such are not substantially adverse to the City, shall be conclusively evidenced by the
7 execution and attestation or acceptance of receipt of any of the foregoing documents by such
8 officers. The signatures of the Mayor and the Clerk-Treasurer on the Bonds may be either
9 manual or facsimile signatures. A copy of each of the Financing Documents will be available
10 from the Clerk-Treasurer upon request. The Clerk-Treasurer is authorized to arrange for delivery
11 of such Bonds to the Trustee named in the Trust Indenture, and payment for the Bonds will be
12 made to the Trustee named in the Trust Indenture and after such payment, the Bonds will be
13 delivered by the Trustee to the purchasers thereof. The Bonds shall be originally dated the date
14 of issuance and delivery thereof.

15 SECTION 7. The provisions of this Ordinance and the Trust Indenture securing the
16 Bonds shall constitute a contract binding between the City and the holders of the Bonds, and
17 after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect
18 which would adversely affect the rights of such holders so long as said Bonds or the interest
19 thereon remains unpaid.

20 SECTION 8. This Ordinance shall be effective upon its passage by the Council and
21 approval by the Mayor of the City, in accordance with Indiana Code 36-4-6 et seq.

22 PASSED AND ADOPTED by the Common Council of the City of Carmel, Indiana this
23 ____ day of _____ 2006, by a vote of ____ ayes and ____ nays.

1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

2
3 _____
4 Presiding Officer

_____ Joseph C. Griffiths

5
6 Richard L. Sharp, President Pro Tempore

_____ Kevin Kirby

7
8
9 Ronald E. Carter

_____ Brian D. Mayo

10
11
12 Fredrick J. Glaser

_____ Mark Rattermann

13
14 ATTEST:

15
16 _____
17 Diana L. Cordray, IAMC, Clerk-Treasurer

18
19 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
20 _____ 2006, at _____.M.

21
22
23
24 _____
25 Diana L. Cordray, IAMC, Clerk-Treasurer

26 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
27 _____ 2006, at _____.M.

28
29
30
31 _____
32 James Brainard, Mayor

33 ATTEST:

34
35 _____
36 Diana L. Cordray, IAMC, Clerk-Treasurer

37 **Prepared by:** Thomas A Pitman
38 Jason M. Schiesser
39 Baker & Daniels LLP
40 300 North Meridian Street, Suite 2700
41 Indianapolis, Indiana 46204

ORDINANCE Z-485-05
AS AMENDED

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF CARMEL, INDIANA**

An Ordinance amending the parking requirements in the Carmel Zoning Ordinance

WHEREAS, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

WHEREAS, the 2020 Vision Comprehensive Plan (the "Comprehensive Plan") Docket No. 16-96 CP was given a favorable recommendation by the Carmel/Clay Advisory Plan Commission on August 20, 1996, and duly approved by Resolution No. CC-09-03-96-03 of the Common Council on September 24, 1996, and is therefore the official Comprehensive Plan of the City of Carmel and Clay Township; and

WHEREAS, the City wishes to amend development standards in the Zoning Ordinance for automobile and bicycle parking; and

WHEREAS, the City wishes to maintain an orderly, consistent and streamlined Zoning Ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the text of the zoning ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-610 and City of Carmel Ordinance No. D-1600-02, the Carmel Zoning Ordinance is incorporated by reference into the Carmel City Code;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 *et seq.* and after **Docket No. 05090001 OA** having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, November 15, 2005, it hereby adopts this Ordinance to amend the Carmel Zoning Ordinance (Ordinance No. Z-289, as amended), to read as follows:

Section I:

CHAPTER 27: ADDITIONAL PARKING & LOADING REGULATIONS

a. Amend *Chapter 27: Additional Parking & Loading Regulations* as follows:

27.00 Additional Parking and Loading Regulations.

27.00.01 The required number of parking spaces for any use permitted in a district is set forth in *Section 27.0508*. The required number of loading spaces for any use permitted in a district is set forth in the regulations for that district. The following regulations establish requirements for computing spaces, the location of spaces and minimum improvements.

1 **27.01 Computation of Number of Required Spaces.**

2 In computing the number of required off-street and/or on-street parking spaces, the following rules shall
3 apply:

4 27.01.01 Floor area shall mean the gross floor area of the specific use, excluding any floor or portion
5 thereof used for parking, as herein defined.

6 27.01.02 Where fractional spaces result, the parking spaces required shall be the nearest whole number.

7 27.01.03 In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of
8 the various uses computed separately.

9 27.01.04 The parking space requirements for a use not specifically listed in the chart shall be the same as
10 for a listed use of similar characteristics of parking demand generation.

11 27.01.05 On-street parking spaces may be substituted at a rate of two on-street spaces per three required off-
12 street spaces provided that the total number of parking spaces is not reduced by more than ten
13 percent (10%).

14 27.01.06 Whenever a building or use is reconstructed or is enlarged to the extent of twenty percent (20%) or
15 more in gross floor area, said building or use in its entirety shall then and thereafter comply with
16 the parking requirements set forth herein. Any enlargement or change in use of less than twenty
17 percent (20%) of the gross floor area shall be provided with additional parking based on the
18 requirement for the enlargement or change.

21 **27.02 Location of Required Parking Spaces.**

22 All parking spaces required herein shall be located as follows:

23 ~~27.02.01 The parking spaces required for residential buildings or uses shall be located on the same lot with~~
24 ~~the building or use served.~~

25 27.02.01 ~~The parking~~ Off-street parking spaces ~~required for any other building or use~~ may be located on an
26 area within three hundred (300) feet of said building, and two or more owners of buildings may
27 join together in providing the required parking spaces. Where the required parking spaces are not
28 located on the same lot with the building or use served, the usage of the lot or tract upon which
29 said parking spaces are provided shall be restricted by an instrument of record describing the
30 premises for which said parking is provided and assuring the retention of such parking so long as
31 required by this Ordinance.

32 27.02.02 Parking spaces in any Business, Industrial or Manufacturing District shall not be located closer
33 than five (5) feet to any lot or parcel located in a residential district or used for residential
34 purposes.

35 27.02.03 Parking spaces may be located on any part of a lot, unless otherwise specified herein. Parking
36 spaces shall not be located in any required greenbelt or lawn area.

37 27.02.04 On-street parking spaces which are counted toward total requirement must be located in the right-
38 of-way immediately adjacent to the lot.

41 **27.03 Parking Facilities.**

42 ~~27.03.01 All parking lots shall be paved with a dustless, hard surface. All off street and on street parking~~
43 ~~spaces, parking lots, garages and structures shall conform with the current standards of the City of~~
44 ~~Carmel.~~

45 27.03.01 All parking lots shall be paved with hot mix asphalt or concrete installed in accordance with the
46 current standards of the City of Carmel. A waiver from the requirement for hot mix asphalt or
47 concrete surfaces shall be considered if hot mix asphalt or concrete porous pavement is proposed

as an on-site stormwater quality best management practice or as a component of the detention facility. Dimensions of parking spaces for on-street parking facilities, off-street parking facilities, including parking garages or other structures, shall be in accordance with the current standards of the City of Carmel.

~~27.03.02 All parking lots shall be curbed. All parking lots shall be designed to provide adequate storm water drainage, including onsite detention capabilities. Traffic control in all parking lots shall be by means of curbed traffic islands. Design of the above requirements shall conform with the current standards of the City of Carmel.~~

27.03.02 The perimeter of all parking lots, and any islands located therein, shall be curbed with Combined Curb and Gutter Type II, Combined Curb and Gutter Type III or Straight Concrete Curb meeting the current standards of the City of Carmel. A waiver from the requirement for perimeter or island curbing shall be considered if the proposed on-site storm water quality best management practices require that curbing, or portions thereof, not be installed. A stormwater collection, conveyance, detention and treatment system, designed in accordance with applicable City Standards, Policies and Ordinances, shall be installed for all parking lots. Traffic control within all parking lots shall be by means of curbed islands. Pavement markings and traffic control devices shall conform to the requirements of the Indiana Manual of Uniform Traffic Control Devices, latest revision.

27.03.03 A shelter for the use of a parking lot attendant may be maintained on the lot.

27.04 Additional Off-Street Loading Requirements.

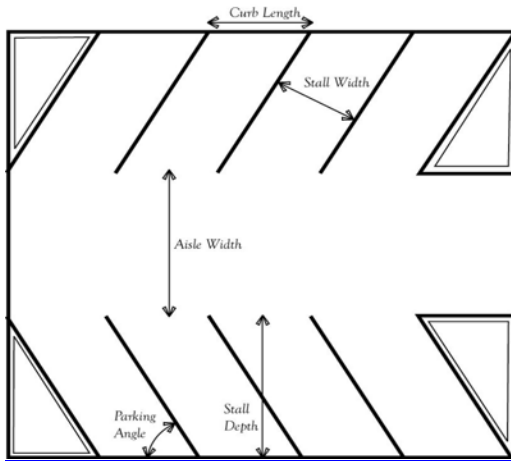
In all cases where the off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than fifty (50) feet in depth shall be provided on the lot on which the commercial, industrial or manufacturing use is located

27.05 Parking Dimension Design.

27.05.01 Required Parking Dimensions Table.

<u>Angle</u>	<u>Width</u>	<u>Curb Length</u>	<u>One Way Aisle Width</u>	<u>Two Way Aisle Width</u>	<u>Stall Depth</u>
<u>0°</u>	<u>23'</u>	<u>23'</u>	<u>12'</u>	<u>20'</u>	<u>9'</u>
<u>30°</u>	<u>9'</u>	<u>18'</u>	<u>12'</u>	<u>20'</u>	<u>15'</u>
<u>45°</u>	<u>9'</u>	<u>12' 9"</u>	<u>15'</u>	<u>22'</u>	<u>16'</u>
<u>60°</u>	<u>9'</u>	<u>10' 5"</u>	<u>18'</u>	<u>24'</u>	<u>17'</u>
<u>90°</u>	<u>9'</u>	<u>9'</u>	<u>20'</u>	<u>25'</u>	<u>18'</u>

27.05.02 Required Parking Dimensions Diagram.



27.06 Bicycle Parking

To add another viable means of transportation to our community, better facilities for the parking of bicycles must be provided. It is the purpose of this Section to provide adequate and safe facilities for the storage of bicycles. With this goal in mind the provision for an ample number of properly located and secure bicycle facilities is a vital building block in the development of a compatible, attractive bicycling network.

27.06.01 The bicycle parking requirements in this Section shall apply to new development and/or building expansions requiring Commission or Board approval.

27.06.02 The required number of bicycle parking spaces shall be provided as follows:

- A. For multi family residences, there shall be a minimum of one (1) bicycle parking space for every three dwelling units.
- B. In the case of commercial or retail venues, bicycle parking spaces shall be required at a rate of five (5) bicycle parking spaces per one hundred (100) required automobile parking spaces, unless in a specific case the Transportation Systems Coordinator has deemed that less bicycle parking is needed.
- C. The minimum number of bicycle parking spaces to be provided at each site is four (4). The maximum number of bicycle parking spaces to be required is forty (40).
- D. Recreational areas shall provide bicycle parking spaces at a rate of thirty (30) bicycle parking spaces per one hundred (100) required automobile parking spaces.
- E. Educational institutions shall have 1 bicycle parking space per 20 students kindergarten through 5th grade. Institutions with grades 6th through 8th shall have 1 bicycle parking space per 30 students. Institutions having children 9th through the 12th grade shall have 1 bicycle parking space per 50 students.
- F. Exemptions to the above guidelines shall apply to the following establishments. Single and Two-Family dwellings, warehousing and distribution, mortuaries, auto service, day care centers, car washes, drive up establishments and airports. Exemptions may also be considered for establishments where it can be clearly demonstrated that it is not a destination for the general public utilizing bicycles, as determined by the Transportation Systems Coordinator.

27.06.03 The location and design of bicycle parking spaces shall be provided as follows:

- A. The parking device must be an inverted U-type or an A-type structure unless otherwise approved by the Transportation Systems Coordinator (TSC). An approved list of usable structures can be obtained from the office of the TSC. (Diagram 1)

- 1 B. Structures requiring a user supplied locking device shall be designed to accommodate
2 both a chain and U-type locking device and shall have the capability to support the
3 bicycle at two locations.
- 4 C. All racks must be coated with a Thermoplastic powder coating, and the Transportation
5 Systems Coordinator must approve the color of the racks.
- 6 D. All racks shall be securely anchored to the ground to prevent the racks from unauthorized
7 removal.
- 8 E. The bicycle parking areas must have adequate separation from motor vehicle parking
9 areas to protect parked bicycles from damage by the motor vehicles and to prevent
10 damage to motor vehicles. The separation can come from grade differences, landscaping,
11 poles, physical barriers or other similar features.
- 12 F. The bicycle parking areas must be installed on a hard dustless surface that allows the
13 parking structure to be securely fastened to the ground.
- 14 G. Bicycle parking spaces shall be a minimum of 2 feet by 6 feet per bicycle. (Diagram 2)
- 15 H. Bicycle racks must be installed a minimum of 24 inches from all walls or obstructions.
16 (Diagram 2)
- 17 I. Bicycle racks mounted in a row should be placed on 30-inch centers. (Diagram 2).
- 18 J. Bicycle racks must also have a minimum of 5 feet of clearance behind the bicycle to
19 allow for room to maneuver. (Diagram 2)
- 20 K. The bicycle rack shall be placed within fifty (50) feet of the entrance designated as the
21 main entrance of the building for which the racks are required. The bicycle parking areas
22 should be located in a clearly safe and convenient location as to not discourage their use.
- 23 L. Bicycle parking areas shall be easily accessible from all trails, sidewalks and other
24 alternative transportation facilities. Access to bicycle racks from these facilities shall be
25 direct and clearly designated.
- 26 M. Bicycle parking can be shared by two venues in the case that all of the venues' entrances
27 are within fifty (50) feet of another.
- 28 N. Bicycle racks should be placed so as to not impede the flow of pedestrian traffic but still
29 possess the ability to be visually monitored.
- 30 O. Bicycle parking areas shall be placed in a location that is visible from the building
31 entrance and with proper lighting to ensure security.
32

Diagram 1: Bicycle Rack Type.

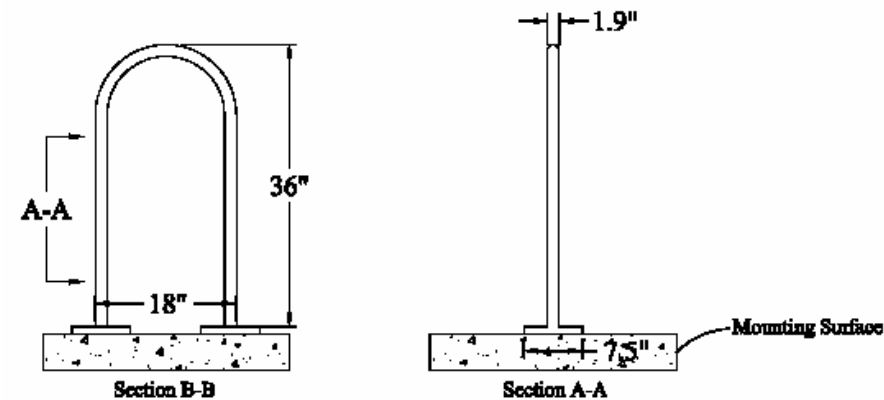
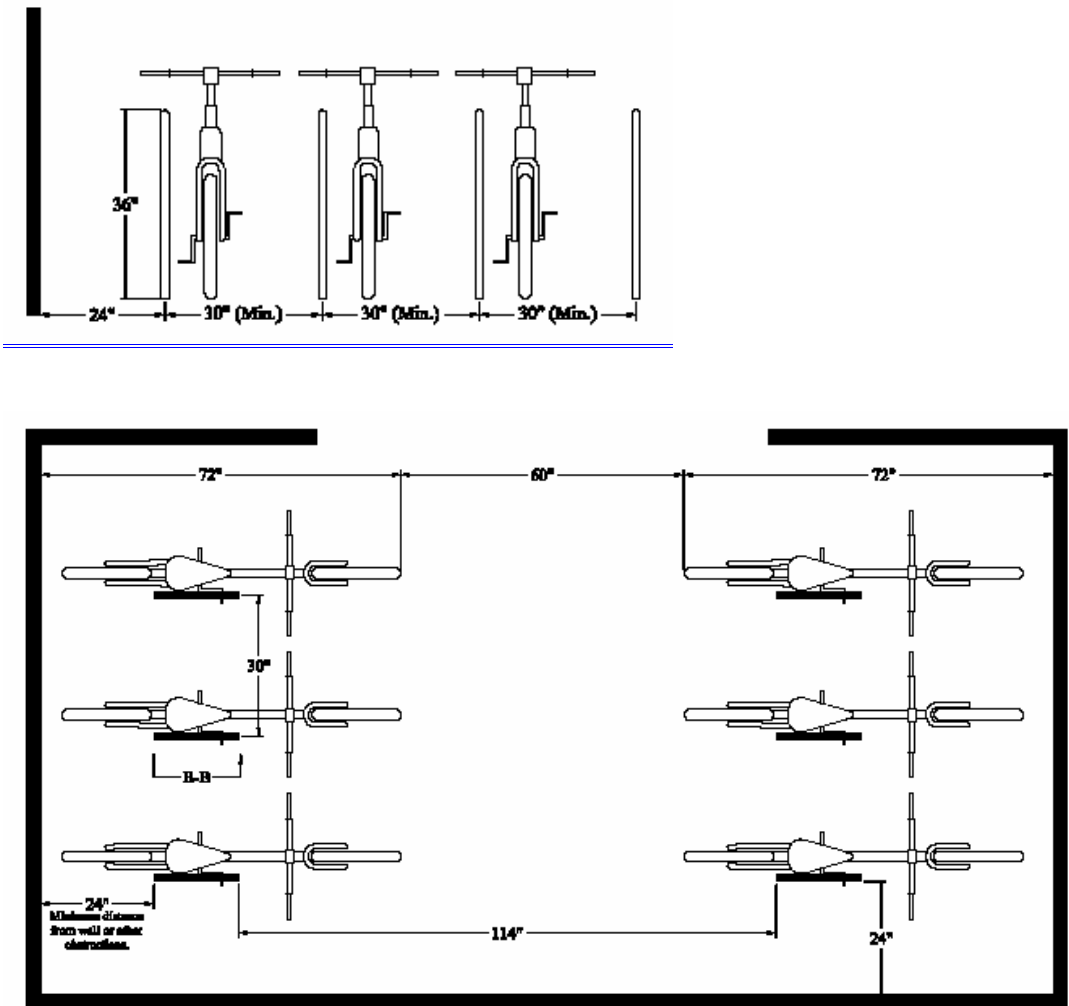


Diagram 2: Bicycle Parking Location and Design.



27.07 Zoning Waiver

27.07.01 The Commission may, after a public hearing, grant a Zoning Waiver of the dimensional and quantitative standards of this Chapter, by no greater than thirty-five (35%). Any approval to permit such a waiver shall be subject to the following criteria:

- A. The proposal shall be in harmony with the purposes of its respective zoning and land use requirements and the parking requirements contained in this chapter.
- B. The proposal shall enhance the overall Development Plan, the adjoining streetscapes and neighborhoods.
- C. The proposal shall not produce a Site Plan or street/circulation system that would be impractical or detract from the appearance of the Development Plan.
- D. The proposal shall not adversely affect emergency vehicle access or deprive adjoining properties of adequate light and air.
- E. The proposal must exhibit extraordinary site design characteristics, including, but not limited to: increased landscape treatment, tree preservation, provisions for bicycle and pedestrian traffic.
- F. The Commission may consider a zoning waiver to allow shared parking on adjacent sites, provided that the following conditions are met:
 - 1. The petitioner demonstrates a difference in peak parking demand or if the different owners share the same patrons or if it is demonstrated that the total parking demand at any one time would be adequately served by the total number of parking spaces.
 - 2. A contractual development agreement between the sharing property owners is provided and approved by the commission. Any existing contracts involving any of the sharing property owners shall be provided for review.
 - 3. Any changes in shared parking agreements or circumstances shall require Commission review of a new zoning waiver.

27.0508 Amount of Parking Spaces Required.

Off-street parking spaces shall be provided and maintained for all uses in accordance with the following minimum requirements, unless otherwise specified herein:

<u>Use:</u>	<u>Parking Requirements:</u>
Amusement Arcade	One space per 300 sq. ft. of floor area
Antique shop	One space per 300 sq. ft. of floor area
Apparel shop	One space per 300 sq. ft. of floor area
Art gallery	One space per 300 sq. ft. of floor area
Art and music center	One space per 300 sq. ft. of floor area
Artificial lake or pond (not part of a plat)	none
Auction room	One space per 300 sq. ft. of floor area
Auto parts and tire center	One space per 300 sq. ft. of floor area
Automobile or mobile homes sales <u>Recreational Vehicle/Mobile Home/Farm Implement/Automobile/Boat Sales</u>	One space per 300 sq. ft. of indoor area plus one space per 2,000 sq. ft. of outdoor sales area
Automobile service station	One space per pump plus one space per service bay
Automobile or truck repair (enclosed)	Two spaces per service bay
Bakery	One space per 200 sq. ft. of floor area
Barber Shop	One space per 300 sq. ft. of floor area
Beauty shop	One space per 300 sq. ft. of floor area
Bicycle shop	One space per 300 sq. ft. of floor area
Billiard parlor	One space per 300 sq. ft. of floor area
Boarding or lodging house	One space per bed
Boat sales	One space per 300 sq. ft. of indoor area plus one space per 2,000 sq. ft. of outdoor sales area
Book store	One space per 300 sq. ft. of floor area
Bowling Alley	Five spaces per alley <u>lane</u>
Business or commercial school <u>School, Trade or Business</u>	Ten spaces per classroom <u>One space per 2 students, based on maximum capacity</u>
Business and electronic machines and equipment sales <u>Equipment Sales/Repair (Indoor)</u>	One space per 300 sq. ft. of floor area
Camera shop	One space per 300 sq. ft. of floor area
Candy or ice cream shop	One space per 200 sq. ft. of floor area

Carnivals, fairs, circuses, etc.	Fifty spaces per acre
Carpet and rug store	One space per 300 sq. ft. of floor area
Car wash (self-serve or automatic)	
Catering establishment	One space per 200 sq. ft. of floor area
<u>Conference/Civic Center</u>	<u>One space for the largest shift of employees plus one (1) space per 150 sq. ft. of floor area.</u>
Cemetery	One space per acre
China or glassware shop	One space per 300 sq. ft. of floor area
Church, temple or other place of worship	One space per four (4) seats in the main place of assembly
Clinic or medical health center	One space per 300 <u>250</u> sq. ft. of floor area
Coin or philatelic store	One space per 300 sq. ft. of floor area
Cold storage locker	One space per 300 sq. ft. of floor area
College or University	Ten spaces per classroom <u>One space per 4 students, based on maximum capacity</u>
Commercial greenhouse	One space per 1,000 sq. ft. of floor area
Commercial parking lot	One additional space per employee
Commercial recreational enterprise or facility <u>Commercial Recreational Facility, Park, or Community Center</u>	One space per 200 sq. ft. of interior area plus one space per 5,000 sq. ft. of outdoor area
Commercial sanitary landfill or refuse dump <u>Sanitary Landfill, Junk Yard, Salvage Yard</u>	One space per employee plus one space per four acres
Commercial sewage, trash or garbage disposal or recycling plant <u>Commercial Sewage, Trash, Garbage Disposal or Recycling Plant</u>	One space per employee
Commercial uses (retail and office) <u>Retail Sales/General Service</u>	One space per 200 sq. ft. of floor area
Commercial warehouse storage	One space per 500 sq. ft. of interior area plus space per 1,500 sq. ft. of outdoor storage area
Contractor's storage facility	One space per 300 sq. ft. of floor area
Country Club	One space per 200 sq. ft. of floor area
Craft and hobby shop	One space per 300 sq. ft. of floor area
Dance hall	One space per 200 sq. ft. of floor area
Dancing academy	One space per 200 sq. ft. of floor area

Day-nursery Day Nursery/Day Care	One space per employee plus one space per six students
Delicatessen	One space per 200 sq. ft. of floor area
Department store	One space per 300 sq. ft. of floor area
Discount store	One space per 300 sq. ft. of floor area
Dressmaking shop	One space per 300 sq. ft. of floor area
Drive-in restaurant (curb or window service) Restaurant, with Walk-Up/Drive-Thru Food Sales	One space per 50 sq. ft. of floor area
Drug store	One space per 300 sq. ft. of floor area
Dry Cleaning and Laundry (pick-up & delivery only)	One space per 300 sq. ft. of floor area
Dry cleaning establishment	One space per 300 sq. ft. of floor area
Duplicating and blueprint establishment Printing/Publishing Establishment	One space per 300 sq. ft. of floor area
Electrical appliance shop	One space per 300 sq. ft. of floor area
Enclosed storage warehouse Storage, Warehousing, or Distribution	One space per 300 sq. ft. of floor area One space per employee
Exterminating shop	One space per 300 sq. ft. of floor area
Farm implement sales Recreational Vehicle/Mobile Home/Farm Implement/Automobile/Boat Sales	One space per 300 sq. ft. of indoor area plus one space per 2,000 sq. ft. of outdoor sales area
Feed store	One space per 300 sq. ft. of floor area
Financial institution	One space per 300 sq. ft. of floor area
Flower shop	One space per 300 sq. ft. of floor area
Food products distributing station	One space per 300 sq. ft. of floor area
Fraternity or sorority	One space per bed
Fuel or ice sales	One space per 300 sq. ft. of floor area
Furniture store	One space per 300 sq. ft. of floor area
Furrier shop	One space per 300 sq. ft. of floor area
Garden shop	One space per 300 sq. ft. of interior area plus one space per 500 sq. ft. of outdoor sales area
General Offices Office, General	One space per 300 250 sq. ft. of floor area
Gift shop	One space per 300 sq. ft. of floor area
Golf Course	Six spaces per hole
Governmental facilities Public Service Facility or Governmental Facilities	One space per 300 250 sq. ft. of floor area or (option) one space per 500 sq. ft. of floor area and one reserved

	space per 500 sq. ft. of floor area, plus sufficient space to accommodate all trucks or other vehicles used in connection therewith
Grain elevator	One space per 300 sq. ft. of floor area plus one space per elevator
Grocery store	One space per 200 sq. ft. of floor area
Gunsmith	One space per 300 sq. ft. of floor area
Haberdashery	One space per 300 sq. ft. of floor area
Hardware store	One space per 300 sq. ft. of floor area
Health Food Store	One space per 300 sq. ft. of floor area
Health studio	One space per 300 sq. ft. of floor area
Heliport or other aircraft landing facilities Helicopter or Airplane Landing/Service Facility	One space per employee plus adequate additional spaces related to terminal use as approved by the Board
Home occupation	One additional space per 200 sq. ft. of dwelling devoted to home occupation
Hospital	One space per bed plus one space per employee
Hotel, motel	One space per room or suite
Indoor theater	One space per two seats
Industrial establishments, light or heavy	Two spaces per three employees or one space per 300 sq. ft. of floor area, which ever is greater, plus sufficient space to accommodate all trucks or other vehicles used in connection therewith
Insurance office	One space per 300 sq. ft. of floor area
Interior decorating shop	One space per 300 sq. ft. of floor area
Jewelry store	One space per 300 sq. ft. of floor area
Job printing shop	One space per 300 sq. ft. of floor area
Junk or material and/or salvage yard Sanitary Landfill, Junk Yard, Salvage Yard	One space per employee
Kennel, commercial Commercial Kennel	Four spaces
Kennel, residential Residential Kennel	(no additional requirements)
Kindergarten Kindergarten/Pre-School	One space per employee plus one space per six students
Laundry agency	One space per 300 sq. ft. of floor area
Laundry or dry cleaning plant	One space per 300 sq. ft. of floor area
Leather and luggage shop	One space per 300 sq. ft. of floor area
License bureau	One space per 300 sq. ft. of floor area

Locksmith or key shop	One space per 300 sq. ft. of floor area
Lumber or building materials sales (enclosed)	One space per 300 sq. ft. of floor area <u>One space per 300 sq. ft. of interior area plus one space per 500 sq. ft. of exterior area</u>
Lumber or building materials storage (unenclosed)	One space per 300 sq. ft. of interior area plus one space per 500 sq. ft. of exterior area
Machinery and equipment sales and services (enclosed)	One space per 300 sq. ft. of floor area
Machine shop	One space per 300 sq. ft. of floor area
Manufacturing Facilities	Two spaces per three employees or one space per 500 sq. ft. of floor area, whichever is greater, plus sufficient space to accommodate all trucks or other vehicles used in connection therewith
Meat market	One space per 500 sq. ft. of floor area
Medical buildings	One space per 250 sq. ft. of floor area
Medical/Optical Laboratory	One space per 300 sq. ft. of floor area
Meeting or party hall	One space per 200 sq. ft. of floor area
Millinery shop	One space per 300 sq. ft. of floor area
Mineral extraction, borrow pit, top soil removal and their storage	One space per employee
Mobile home, temporary uses (one year maximum)	(depends upon proposed use)
Mobile home court	Two spaces per mobile home
Monument sales	One space per 300 sq. ft. of floor area
Mortuary and/or crematory <u>Funeral Home/mortuary/crematory</u>	One space per 50 sq. ft. of public floor area
Motor bus or railroad passenger station <u>Bus/Transit Strip or railroad passenger train</u>	One space per employee plus two <u>one</u> spaces per seat in waiting area
Multiple family dwelling <u>Dwelling, Multiple Family</u>	Two spaces per dwelling unit <u>plus one space per 7 dwellings</u>
Newsdealer	One space per 300 sq. ft. of floor area
Newspaper publishing or printing plant	One space per 300 sq. ft. of floor area
Nursing, retirement or convalescent facility	One space per bed plus one space per employee
Office building	One space per 300 sq. ft. of floor area
Office supply store	One space per 300 sq. ft. of floor area
Office uses not related to permitted manufacturing or other uses	One space per employee plus one space per 200 sq. ft. of sales floor area

Open hearth and blast furnace, coke ovens, brick yards and kilns <u>Coke Ovens/Brick Yards/Kilns/Open Hearth/Blast Furnace</u>	One space per employee
Optician and optical supply	One space per 300 sq. ft. of floor area
Orthopedic and medical appliance and supply sales	One space per 300 sq. ft. of floor area
Outdoor theater	One additional space per employee <u>One space per three seats or maximum capacity of guests</u>
Paint and wallpaper store	One space per 300 sq. ft. of floor area
Pawnshop	One space per 300 sq. ft. of floor area
Penal or correctional institution	One space per employee plus one space per five inmates
Pet shop	One space per 300 sq. ft. of floor area
Photographic studio	One space per 300 sq. ft. of floor area
Photo pick-up station (drive-through type)	Two spaces
Picture framing shop	One space per 300 sq. ft. of floor area
Plant nursery	One space per 300 sq. ft. of indoor area plus one space per acre
Plumbing supply shop	One space per 300 sq. ft. of floor area
Post Office or postal station	One space per official vehicle plus one space per employee plus one space per 500 sq. ft. of floor area
Power Generating Plant	One space per employee
Power transmission line	none
Printing Shop	One space per 300 sq. ft. of floor area
Private airplane or helicopter landing and/or service facility <u>Helicopter or Airplane Landing/Service Facility</u>	One space per aircraft plus one space per employee <u>One space per employee plus adequate additional spaces related to terminal use as approved by the Board</u>
Private club or lodge	One space per 200 sq. ft. of floor area plus one space per two seats (seating capacity) in main place of assembly
Private recreational development or facility Private Recreational Facility	One space per 200 sq. ft. of interior area plus one space per 5,000 sq. ft. of outdoor area
Private water treatment and/or storage facilities	One space per employee
Professional office	One space per 300 sq. ft. of floor area
Race Track	Eighty spaces per acre
Radio and/or television sales studio	One space per 300 sq. ft. of floor area
Radio or television transmission tower	One space per employee

Raising and breeding of non farm fowl and animals <u>General Agriculture (Farm)</u>	none
Real estate office	One space per 300 sq. ft. of floor area
Recording studio	One space per 300 sq. ft. of floor area
Record shop	One space per 300 sq. ft. of floor area
Recreational uses, related to residential character of district	One space per 200 sq. ft. of floor area or enclosed area and one space per 5,000 sq. ft. of outdoor area
Recreational vehicle sales <u>Recreational Vehicle/Mobile Home/Farm Implement/Automobile/Boat Sales</u>	One space per 300 sq. ft. of indoor area plus one space per 2,000 sq. ft. of outdoor sales area
Reducing salon	One space per 300 sq. ft. of floor area
Religious or charitable institution	One space per 300 sq. ft. of floor area
Rental agency	One space per 300 sq. ft. of floor area plus one space per 1,000 sq. ft. of outside display and storage area
Research laboratory	One space per 300 <u>250</u> sq. ft. of floor area
Restaurant or fast food operation (no outside service) <u>Restaurant, without Drive-Thru Food Sales</u>	One space per every 2.5 patron seats, plus one space per employee per largest shift
Retail sales and service of products not manufactured and/or assembled on site	One space per employee plus one space per 200 sq. ft. of sales floor area
Riding stable	One space per stall
Roadside sales stand	Ten spaces
School of general elementary or secondary education (accredited by the state)	One space per employee plus two spaces per classroom (elementary) or ten spaces per classroom (secondary)
Second hand store	One space per 300 sq. ft. of floor area
Self-service laundry	One space per 200 sq. ft. of floor area
Sheet metal shop	One space per 300 sq. ft. of floor area
Shoe repair shop	One space per 300 sq. ft. of floor area
Shoe store	One space per 300 sq. ft. of floor area
Shooting gallery	One space per 300 <u>1000</u> sq. ft. of floor area
Showroom, for articles to be sold at retail	One space per 300 sq. ft. of floor area
Sign shop	One space for 300 sq. ft. of floor area
Single family dwelling <u>Dwelling, Single Family</u>	Two spaces per dwelling unit (<u>excluding private garage</u>)
Skating rink	One space per 200 sq. ft. of floor area
Specialized contractor shop	One space per 200 sq. ft. of floor area

Sporting goods store	One space per 200 sq. ft. of floor area
Stadium or coliseum	One aere space per four seats
Stationer	One space per 300 sq. ft. of floor area
Storage, utilization or manufacture of explosive materials (does not include petroleum products) <u>Storage, Warehousing, or Distribution</u>	One space per employee
Storage, utilization or manufacture of flammable liquids or gases other than those used by the manufacturing establishments in their operations activities <u>Storage, Warehousing, or Distribution</u>	One space per employee
Storage of material not manufactured or assembled on site <u>Storage, Warehousing, or Distribution</u>	One space per employee
Supermarket	One space per 200 sq. ft. of floor area
Tailor and pressing shop	One space per 300 sq. ft. of floor area
Tavern or night club	One space per 100 sq. ft. of floor area
Taxidermist	One space per 300 sq. ft. of floor area
Tennis or racquetball facility	Two spaces per court
Tobacco shop	One space per 300 sq. ft. of floor area
Toy shop	One space per 300 sq. ft. of floor area
Transportation facilities	One space per employee
Travel service bureau	One space per 300 sq. ft. of floor area
Trucking Terminals	One space per employee plus adequate additional spaces related to terminal use as approved by the Board
Two family dwelling <u>Dwelling, Two Family</u>	Two spaces per dwelling unit (<u>excluding private garage</u>)
Upholstery and/or drapery shop	One space per 300 sq. ft. of floor area
Utility company business office	One space per 300 sq. ft. of floor area
Variety store	One space per 300 sq. ft. of floor area
Veterinary hospital, with kennel <u>Veterinary Hospital</u>	One space per 300 sq. ft. of floor area
Veterinary hospital, without kennel <u>Veterinary Hospital</u>	One space per 300 sq. ft. of floor area
Warehouse facilities	One space per employee
Water management and use facilities	none
Welding shop	One space per 300 sq. ft. of floor area
Wholesale establishment Facility	One space per 300 sq. ft. of floor area

Wholesale sales	One space per employee plus one space per 600 sq. ft. of sales floor area
Dwelling, Attached	Two spaces per dwelling unit (excluding private garage) plus one space per 7 dwellings
Office, Call Center	One space per 150 sq. ft. of floor area

Section II: All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III: This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ordinance Z-485-05 PASSED by the Common Council of the City of Carmel, Indiana this ____ day of _____, 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

Presiding Officer

Joe Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian Mayo

Fred Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance Z-485-05 Presented by me to the Mayor of the City of Carmel, Indiana this _____ day of _____, 2006, at _____ .M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance Z-485-05 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____, 2006, at _____ M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by: John R. Molitor
Carmel Plan Commission Attorney
One Civic Square
Carmel, IN 46032

ORDINANCE Z-485-05

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF CARMEL, INDIANA**

An Ordinance amending the parking requirements in the Carmel Zoning Ordinance

WHEREAS, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

WHEREAS, the 2020 Vision Comprehensive Plan (the “Comprehensive Plan”) Docket No. 16-96 CP was given a favorable recommendation by the Carmel/Clay Advisory Plan Commission on August 20, 1996, and duly approved by Resolution No. CC-09-03-96-03 of the Common Council on September 24, 1996, and is therefore the official Comprehensive Plan of the City of Carmel and Clay Township; and

WHEREAS, the City wishes to amend development standards in the Zoning Ordinance for automobile and bicycle parking; and

WHEREAS, the City wishes to maintain an orderly, consistent and streamlined Zoning Ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the text of the zoning ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-610 and City of Carmel Ordinance No. D-1600-02, the Carmel Zoning Ordinance is incorporated by reference into the Carmel City Code;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 *et seq.* and after **Docket No. 05090001 OA** having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, November 15, 2005, it hereby adopts this Ordinance to amend the Carmel Zoning Ordinance (Ordinance No. Z-289, as amended), to read as follows:

Section I:

CHAPTER 27: ADDITIONAL PARKING & LOADING REGULATIONS

a. Amend *Chapter 27: Additional Parking & Loading Regulations* as follows:

27.00 Additional Parking and Loading Regulations.

27.00.01 The required number of parking spaces for any use permitted in a district is set forth in *Section 27.08*. The required number of loading spaces for any use permitted in a district is set forth in the regulations for that district. The following regulations establish requirements for computing spaces, the location of spaces and minimum improvements.

1 **27.01 Computation of Number of Required Spaces.**

2 In computing the number of required off-street and/or on-street parking spaces, the following rules shall
3 apply:

4 27.01.01 Floor area shall mean the gross floor area of the specific use, excluding any floor or portion
5 thereof used for parking, as herein defined.

6 27.01.02 Where fractional spaces result, the parking spaces required shall be the nearest whole number.

7 27.01.03 In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of
8 the various uses computed separately.

9 27.01.04 The parking space requirements for a use not specifically listed in the chart shall be the same as
10 for a listed use of similar characteristics of parking demand generation.

11 27.01.05 On-street parking spaces may be substituted at a rate of two on-street spaces per three required off-
12 street spaces provided that the total number of parking spaces is not reduced by more than ten
13 percent (10%).

14 27.01.06 Whenever a building or use is reconstructed or is enlarged to the extent of twenty percent (20%) or
15 more in gross floor area, said building or use in its entirety shall then and thereafter comply with
16 the parking requirements set forth herein. Any enlargement or change in use of less than twenty
17 percent (20%) of the gross floor area shall be provided with additional parking based on the
18 requirement for the enlargement or change.
19
20

21 **27.02 Location of Required Parking Spaces.**

22 All parking spaces required herein shall be located as follows:

23 27.02.01 Off-street parking spaces may be located on an area within three hundred (300) feet of said
24 building, and two or more owners of buildings may join together in providing the required parking
25 spaces. Where the required parking spaces are not located on the same lot with the building or use
26 served, the usage of the lot or tract upon which said parking spaces are provided shall be restricted
27 by an instrument of record describing the premises for which said parking is provided and assuring
28 the retention of such parking so long as required by this Ordinance.

29 27.02.02 Parking spaces in any Business, Industrial or Manufacturing District shall not be located closer
30 than five (5) feet to any lot or parcel located in a residential district or used for residential
31 purposes.

32 27.02.03 Parking spaces may be located on any part of a lot, unless otherwise specified herein. Parking
33 spaces shall not be located in any required greenbelt or lawn area.

34 27.02.04 On-street parking spaces which are counted toward total requirement must be located in the right-
35 of-way immediately adjacent to the lot.
36
37

38 **27.03 Parking Facilities.**

39 27.03.01 All parking lots shall be paved with a dustless, hard surface. All off-street and on-street parking
40 spaces, lots, garages and structures shall conform with the current standards of the City of Carmel.

41 27.03.02 All parking lots shall be curbed. All parking lots shall be designed to provide adequate storm
42 water drainage, including onsite detention capabilities. Traffic control in all parking lots shall be
43 by means of curbed traffic islands. Design of the above requirements shall conform with the
44 current standards of the City of Carmel.

45 27.03.03 A shelter for the use of a parking lot attendant may be maintained on the lot.
46
47

48 **27.04 Additional Off-Street Loading Requirements.**

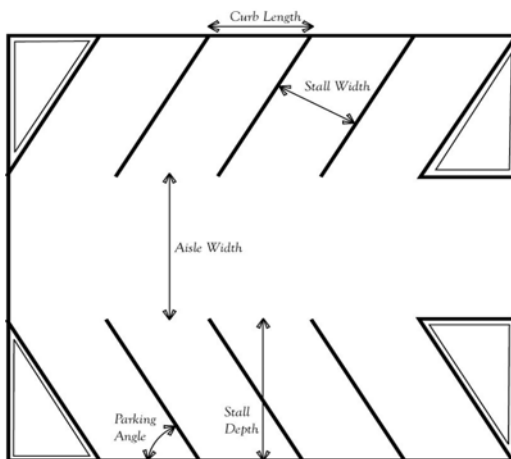
In all cases where the off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than fifty (50) feet in depth shall be provided on the lot on which the commercial, industrial or manufacturing use is located

27.05 Parking Dimension Design.

27.05.01 Required Parking Dimensions Table.

Angle	Width	Curb Length	One Way Aisle Width	Two Way Aisle Width	Stall Depth
0°	23'	23'	12'	20'	9'
30°	9'	18'	12'	20'	15'
45°	9'	12' 9"	15'	22'	16'
60°	9'	10' 5"	18'	24'	17'
90°	9'	9'	20'	25'	18'

27.05.02 Required Parking Dimensions Diagram.



27.06 Bicycle Parking

To add another viable means of transportation to our community, better facilities for the parking of bicycles must be provided. It is the purpose of this Section to provide adequate and safe facilities for the storage of bicycles. With this goal in mind the provision for an ample number of properly located and secure bicycle facilities is a vital building block in the development of a compatible, attractive bicycling network.

27.06.01 The bicycle parking requirements in this Section shall apply to new development and/or building expansions requiring Commission or Board approval.

27.06.02 The required number of bicycle parking spaces shall be provided as follows:

- A. For multi family residences, there shall be a minimum of one (1) bicycle parking space for every three dwelling units.
- B. In the case of commercial or retail venues, bicycle parking spaces shall be required at a rate of five (5) bicycle parking spaces per one hundred (100) required automobile parking spaces, unless in a specific case the Transportation Systems Coordinator has deemed that less bicycle parking is needed.
- C. The minimum number of bicycle parking spaces to be provided at each site is four (4). The maximum number of bicycle parking spaces to be required is forty (40).
- D. Recreational areas shall provide bicycle parking spaces at a rate of thirty (30) bicycle parking spaces per one hundred (100) required automobile parking spaces.

- 1 E. Educational institutions shall have 1 bicycle parking space per 20 students kindergarten
2 through 5th grade. Institutions with grades 6th through 8th shall have 1 bicycle parking
3 space per 30 students. Institutions having children 9th through the 12th grade shall have
4 1 bicycle parking space per 50 students.
- 5 F. Exemptions to the above guidelines shall apply to the following establishments. Single
6 and Two-Family dwellings, warehousing and distribution, mortuaries, auto service, day
7 care centers, car washes, drive up establishments and airports. Exemptions may also be
8 considered for establishments where it can be clearly demonstrated that it is not a
9 destination for the general public utilizing bicycles, as determined by the Transportation
10 Systems Coordinator.

11 27.06.03 The location and design of bicycle parking spaces shall be provided as follows:

- 12 A. The parking device must be an inverted U-type or an A-type structure unless otherwise
13 approved by the Transportation Systems Coordinator (TSC). An approved list of usable
14 structures can be obtained from the office of the TSC. *(Diagram 1)*
- 15 B. Structures requiring a user supplied locking device shall be designed to accommodate
16 both a chain and U-type locking device and shall have the capability to support the
17 bicycle at two locations.
- 18 C. All racks must be coated with a Thermoplastic powder coating, and the Transportation
19 Systems Coordinator must approve the color of the racks.
- 20 D. All racks shall be securely anchored to the ground to prevent the racks from unauthorized
21 removal.
- 22 E. The bicycle parking areas must have adequate separation from motor vehicle parking
23 areas to protect parked bicycles from damage by the motor vehicles and to prevent
24 damage to motor vehicles. The separation can come from grade differences, landscaping,
25 poles, physical barriers or other similar features.
- 26 F. The bicycle parking areas must be installed on a hard dustless surface that allows the
27 parking structure to be securely fastened to the ground.
- 28 G. Bicycle parking spaces shall be a minimum of 2 feet by 6 feet per bicycle. *(Diagram 2)*
- 29 H. Bicycle racks must be installed a minimum of 24 inches from all walls or obstructions.
30 *(Diagram 2)*
- 31 I. Bicycle racks mounted in a row should be placed on 30-inch centers. *(Diagram 2)*.
- 32 J. Bicycle racks must also have a minimum of 5 feet of clearance behind the bicycle to
33 allow for room to maneuver. *(Diagram 2)*
- 34 K. The bicycle rack shall be placed within fifty (50) feet of the entrance designated as the
35 main entrance of the building for which the racks are required. The bicycle parking areas
36 should be located in a clearly safe and convenient location as to not discourage their use.
- 37 L. Bicycle parking areas shall be easily accessible from all trails, sidewalks and other
38 alternative transportation facilities. Access to bicycle racks from these facilities shall be
39 direct and clearly designated.
- 40 M. Bicycle parking can be shared by two venues in the case that all of the venues' entrances
41 are within fifty (50) feet of another.
- 42 N. Bicycle racks should be placed so as to not impede the flow of pedestrian traffic but still
43 possess the ability to be visually monitored.
- 44 O. Bicycle parking areas shall be placed in a location that is visible from the building
45 entrance and with proper lighting to ensure security.
- 46

47 Diagram 1: Bicycle Rack Type.

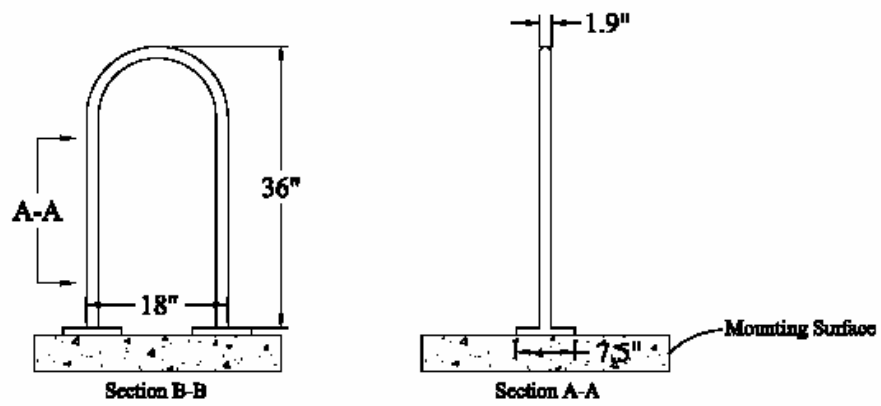
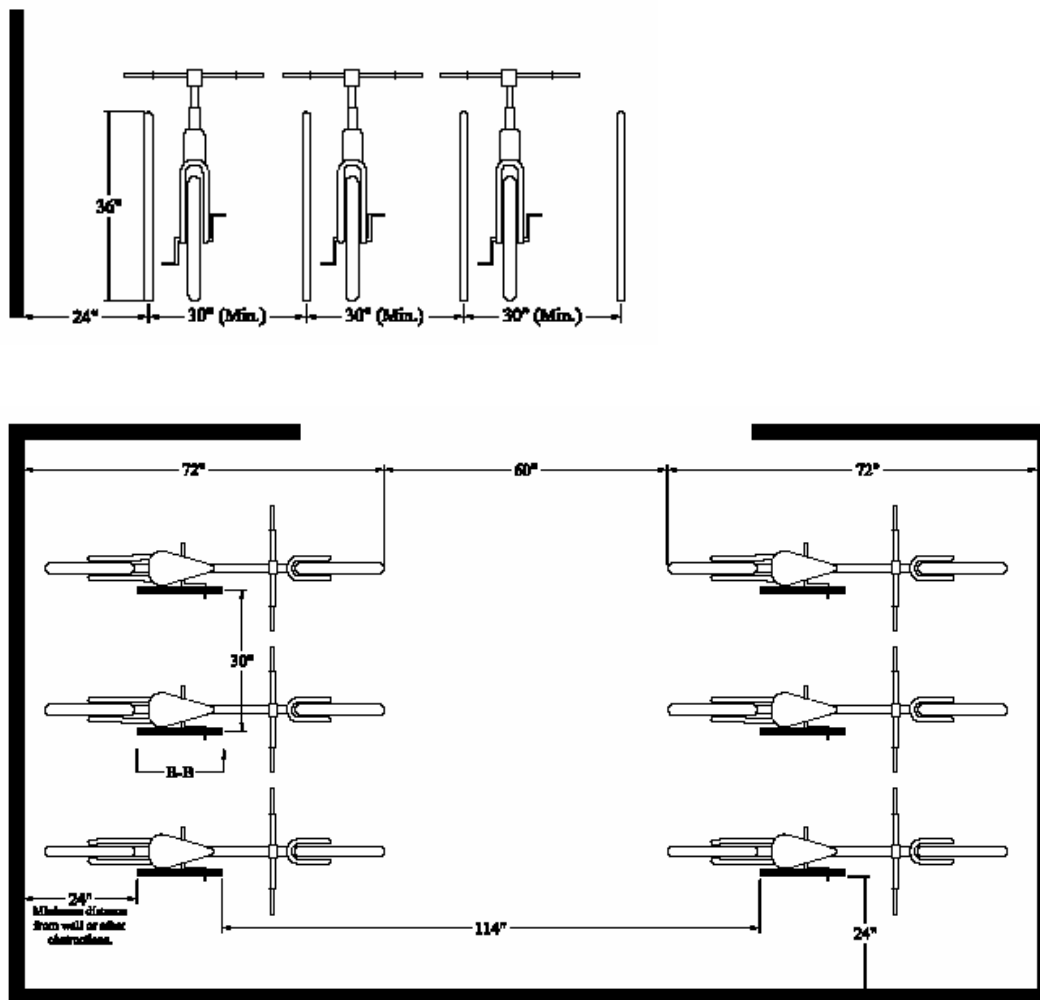


Diagram 2: Bicycle Parking Location and Design.



27.07 Zoning Waiver

27.07.01 The Commission may, after a public hearing, grant a Zoning Waiver of the dimensional and quantitative standards of this Chapter, by no greater than thirty-five (35%). Any approval to permit such a waiver shall be subject to the following criteria:

- A. The proposal shall be in harmony with the purposes of its respective zoning and land use requirements and the parking requirements contained in this chapter.
- B. The proposal shall enhance the overall Development Plan, the adjoining streetscapes and neighborhoods.
- C. The proposal shall not produce a Site Plan or street/circulation system that would be impractical or detract from the appearance of the Development Plan.
- D. The proposal shall not adversely affect emergency vehicle access or deprive adjoining properties of adequate light and air.
- E. The proposal must exhibit extraordinary site design characteristics, including, but not limited to: increased landscape treatment, tree preservation, provisions for bicycle and pedestrian traffic.

F. The Commission may consider a zoning waiver to allow shared parking on adjacent sites, provided that the following conditions are met:

1. The petitioner demonstrates a difference in peak parking demand or if the different owners share the same patrons or if it is demonstrated that the total parking demand at any one time would be adequately served by the total number of parking spaces.
2. A contractual development agreement between the sharing property owners is provided and approved by the commission. Any existing contracts involving any of the sharing property owners shall be provided for review.
3. Any changes in shared parking agreements or circumstances shall require Commission review of a new zoning waiver.

27.08 Amount of Parking Spaces Required.

Off-street parking spaces shall be provided and maintained for all uses in accordance with the following minimum requirements, unless otherwise specified herein:

<u>Use:</u>	<u>Parking Requirements:</u>
Art gallery	One space per 300 sq. ft. of floor area
Art and music center	One space per 300 sq. ft. of floor area
Automobile service station	One space per pump plus one space per service bay
Automobile or truck repair	Two spaces per service bay
Boarding or lodging house	One space per bed
Bowling Alley	Five spaces per lane
Bus/Transit Stop or railroad passenger train	One space per employee plus one space per seat in waiting area
Carnivals, fairs, circuses, etc.	Fifty spaces per acre
Catering establishment	One space per 200 sq. ft. of floor area
Church, temple or other place of worship	One space per four (4) seats in the main place of assembly
Clinic or medical health center	One space per 250 sq. ft. of floor area
College or University	One space per 4 students, based on maximum capacity
Coke Ovens/Brick Yards/Kilns/Open Hearth/Blast Furnace	One space per employee
Commercial greenhouse	One space per 1,000 sq. ft. of floor area
Commercial Kennel	Four spaces
Commercial parking lot	One additional space per employee
Commercial Recreational Facility, Park, or Community Center	One space per 200 sq. ft. of interior area plus one space per 5,000 sq. ft. of outdoor area
Commercial Sewage, Trash, Garbage Disposal or Recycling Plant	One space per employee

Conference/Civic Center	One space for the largest shift of employees plus one (1) space per 150 sq. ft. of floor area.
Country Club	One space per 200 sq. ft. of floor area
Day Nursery/Day Care	One space per employee plus one space per six students
Dry cleaning establishment	One space per 300 sq. ft. of floor area
Dwelling, Attached	Two spaces per dwelling unit (excluding private garage) plus one space per 7 dwellings
Dwelling, Multiple Family	Two spaces per dwelling unit plus one space per 7 dwellings
Dwelling, Single Family	Two spaces per dwelling unit (excluding private garage)
Dwelling, Two Family	Two spaces per dwelling unit (excluding private garage)
Equipment Sales/Repair (Indoor)	One space per 300 sq. ft. of floor area
Funeral Home/mortuary/crematory	One space per 50 sq. ft. of public floor area
General Agriculture (Farm)	none
Golf Course	Six spaces per hole
Grain elevator	One space per 300 sq. ft. of floor area plus one space per elevator
Helicopter or Airplane Landing/Service Facility	One space per employee plus adequate additional spaces related to terminal use as approved by the Board
Home occupation	One additional space per 200 sq. ft. of dwelling devoted to home occupation
Hospital	One space per bed plus one space per employee
Hotel, motel	One space per room or suite
Indoor theater	One space per two seats
Industrial establishments, light or heavy	Two spaces per three employees or one space per 300 sq. ft. of floor area, whichever is greater, plus sufficient space to accommodate all trucks or other vehicles used in connection therewith
Kindergarten/Pre-School	One space per employee plus one space per six students
Lumber or building materials sales	One space per 300 sq. ft. of interior area plus one space per 500 sq. ft. of exterior area
Manufacturing Facilities	Two spaces per three employees or one space per 500 sq. ft. of floor area, whichever is greater, plus sufficient space to accommodate all trucks or other vehicles used in connection therewith
Mineral extraction, borrow pit, top soil removal and their storage	One space per employee
Mobile home court	Two spaces per mobile home

Nursing, retirement or convalescent facility	One space per bed plus one space per employee
Office, Call Center	One space per 150 sq. ft. of floor area
Office, General	One space per 250 sq. ft. of floor area
Outdoor theater	One space per three seats or maximum capacity of guests
Penal or correctional institution	One space per employee plus one space per five inmates
Plant nursery	One space per 300 sq. ft. of indoor area plus one space per acre
Post Office or postal station	One space per official vehicle plus one space per employee plus one space per 500 sq. ft. of floor area
Power Generating Plant	One space per employee
Printing/Publishing Establishment	One space per 300 sq. ft. of floor area
Private club or lodge	One space per 200 sq. ft. of floor area plus one space per two seats (seating capacity) in main place of assembly
Private Recreational Facility	One space per 200 sq. ft. of interior area plus one space per 5,000 sq. ft. of outdoor area
Private water treatment and/or storage facilities	One space per employee
Professional office	One space per 300 sq. ft. of floor area
Public Service Facility or Governmental Facilities	One space per 250 sq. ft. of floor area or (option) one space per 500 sq. ft. of floor area and one reserved space per 500 sq. ft. of floor area, plus sufficient space to accommodate all trucks or other vehicles used in connection therewith
Radio and/or television studio	One space per 300 sq. ft. of floor area
Radio or television transmission tower	One space per employee
Recreational Vehicle/Mobile Home/Farm Implement/Automobile/Boat Sales	One space per 300 sq. ft. of indoor area plus one space per 2,000 sq. ft. of outdoor sales area
Research laboratory	One space per 250 sq. ft. of floor area
Residential Kennel	(no additional requirements)
Restaurant, with Walk-Up/Drive-Thru Food Sales	One space per 50 sq. ft. of floor area
Restaurant, without Drive-Thru Food Sales	One space per every 2.5 patron seats, plus one space per employee per largest shift
Retail Sales/General Service	One space per 200 sq. ft. of floor area
Riding stable	One space per stall
Sanitary Landfill, Junk Yard, Salvage Yard	One space per employee

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School of general elementary or secondary education (accredited by the state)	One space per employee plus two spaces per classroom(elementary) or ten spaces per classroom (secondary)
School, Trade or Business	One space per 2 students, based on maximum capacity
Self-service laundry	One space per 200 sq. ft. of floor area
Shooting gallery	One space per 1000 sq. ft. of floor area
Stadium or coliseum	One space per four seats
Storage, Warehousing, or Distribution	One space per employee
Tavern or night club	One space per 100 sq. ft. of floor area
Veterinary Hospital	One space per 300 sq. ft. of floor area
Wholesale Facility	One space per 300 sq. ft. of floor area
Wholesale sales	One space per employee plus one space per 600 sq. ft. of sales floor area

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Section II: All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

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Section III: This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

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Ordinance No. Z-485-05 PASSED by the Common Council of the City of Carmel, Indiana this ____ day of _____, 2006, by a vote of ____ ayes and ____ nays.

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1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

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5 _____
6 Presiding Officer

_____ Joe Griffiths

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8 Richard L. Sharp, President Pro Tempore

_____ Kevin Kirby

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11 Ronald E. Carter

_____ Brian Mayo

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13
14 Fred Glaser

_____ Mark Rattermann

15
16 ATTEST:

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19 _____
20 Diana L. Cordray, IAMC, Clerk-Treasurer

21
22 **Ordinance No. Z-485-05** Presented by me to the Mayor of the City of Carmel, Indiana
23 this ____ day of _____, 2006 at _____.M.

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25
26
27 _____
28 Diana L. Cordray, IAMC, Clerk-Treasurer

29
30 **Ordinance No. Z-485-05** Approved by me, Mayor of the City of Carmel, Indiana, this
31 ____ day of _____, 2006, at _____.M.

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35 _____
36 James Brainard, Mayor

37 ATTEST:

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40 _____
41 Diana L. Cordray, IAMC, Clerk-Treasurer

42
43 Prepared by: John R. Molitor
44 Carmel Plan Commission Attorney
45 One Civic Square
46 Carmel, IN 46032

ORDINANCE NO. D-1793-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
AMENDING CHAPTER 6, ARTICLE 5, DIVISION VIII, SECTION 6-161
OF THE CARMEL CITY CODE**

WHEREAS, this Council previously enacted Carmel City Code Section 6-161; and

WHEREAS, it is in the public interest to now amend City Code Section 6-161 to clarify certain ambiguities and to correct a scrivener's error.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1: The foregoing Recitals are incorporated herein by this reference.

Section 2: Chapter 6, Article 5, Division VIII, Section 6-161 of the City Code should be and the same is hereby amended as follows:

a. Section 6-161(b)(iii)(I)(5) shall be amended to read:

"Has provided written notice to the City Attorney that it intends to allow smoking and that it meets all of the criteria entitling it to an exemption under this Subsection."

b. Section 6-161(b)(iii)(I)(6) shall be deleted.

c. Section 6-161(c)(iv), shall be amended to read:

"It shall be the obligation and duty of the owner, manager or operator of any bar or tavern that elects to be exempted from the provisions of this Section, pursuant to Subsection (b)(iii)(I) hereof, to ensure that no person(s) under the age of twenty-one (21) are allowed to enter therein in violation of this Section."

Section 3. The remaining provisions of City Code Section 6-161 are not affected by the above amendments and remain in full force and effect according to their terms.

Section 4. All prior City ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 5. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of _____ 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer	Joseph C. Griffiths
Richard L. Sharp, President Pro Tempore	Kevin Kirby
Ronald E. Carter	Brian D. Mayo
Fredrick J. Glaser	Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this ____ day of _____ 2006, at _____ O'clock, _____. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____ 2006, at _____ O'clock, _____. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

ORDINANCE D-1794-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
REGARDING CITY OF CARMEL STORMWATER MANAGEMENT**

WHEREAS, 327 IAC 15-13 establishes specific requirements for municipal operators of separate storm sewer systems to initiate and manage a program to manage and control stormwater runoff associated with construction and post construction activities; and

WHEREAS, 327 IAC 15-13 establishes specific requirements for municipal operators of separate storm sewer systems to initiate and manage a program to regulate and prohibit Illicit Connections and Illicit Discharges to the Municipal Separate Storm Sewer System; and

WHEREAS, it is in the interest of public health and welfare for the City to adopt a comprehensive Stormwater Management Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1: The foregoing Recitals are incorporated herein by this reference.

Section 2: That Chapter 6 of the Carmel City Code is hereby amended to add a new Article 7, Sections 180 through 209, which shall read as follows:

"ARTICLE 7

§6-180 Purpose and Intent.

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Carmel through the regulation of Non-Stormwater Discharges to the Maximum Extent Practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of Pollutants into the City of Carmel Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) program authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management's Rule 5 (327 IAC 15-5). The objectives of this ordinance are:

- (1) To prohibit the release of Pollutants to the MS4 from construction activity.
- (2) To prohibit the release of Pollutants to the MS4 from post construction runoff.
- (3) To prohibit Illicit Discharges into the MS4.
- (4) To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

§6-181 Definitions.

For the purposes of this ordinance, the following shall mean:

Page One of Eighteen Pages

Best Management Practices (BMPs). Structural or nonstructural practices, or a combination of practices, designed to act as effective, practicable means of minimizing the impacts of development and human activities on water quality. Traditional structural BMPs, including extended detention dry ponds, wet ponds, infiltration trenches, and sand filtration systems, are now common elements of most new development projects. Structural BMPs rely heavily on gravitational settling and/or the infiltration of soluble nutrients through a porous medium for pollutant removal. Nonstructural BMPs, which may be used independently or in conjunction with structural BMPs, rely on a much wider breadth of mechanisms to prevent or control non-point source pollution. Nonstructural BMPs range from programs that increase public awareness to prevent pollution, to the implementation of control-oriented techniques (such as bioretention and Stormwater wetlands) that utilize vegetation to enhance pollutant removal and restore the infiltrative capacity of the landscape

Clean Water Act (CWA). The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to a Stormwater Management Permit. These include construction projects resulting in land disturbance of ¼ acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition. This term does not include routine ditch or road maintenance, minor landscaping projects, agricultural land disturbing activities, forest harvesting activities, or individual building lots within a larger permitted project.

Entity. An individual, association, organization, partnership, firm, corporation, or other person or group of persons recognized by law and acting as either the owner or as the owner's agent.

Illicit Discharge. A direct or indirect Non-Stormwater or Pollutant Discharge to the Storm Drainage System, MS4, or Receiving Waters except as exempted in Section 11 of this ordinance.

Illicit Connections. An Illicit Connection is defined as either of the following:

A Stormwater Conveyance System, which allows an Illicit Discharge to enter the Storm Drainage System or the MS4, including but not limited to any conveyances which allow any Non-Stormwater Discharge and any connections to the Storm Drainage System, MS4, or Receiving Waters from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City of Carmel or,

Any conveyance connected from a commercial or industrial land use to the Storm Drainage System, MS4, or Receiving Water which has not been documented in plans, maps, or equivalent records and approved by the City of Carmel.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined by 327 IAC 15-6-1:12 (Rule 6).

Inspecting Authority. A City of Carmel representative or any other person authorized by the City of Carmel to perform inspections.

Maximum Extent Practicable (MEP). The statutory standard that establishes the level of Pollutant reductions that operators of regulated MS4s must achieve. The CWA requires that NPDES Stormwater Discharge Permits for discharges from MS4s "shall require controls to reduce the discharge of Pollutants to the Maximum Extent Practicable, including management practices, control techniques and system, design and engineering methods." This standard applies to all MS4s regulated under the Phase I and Phase II (Rule 13) Stormwater rules. Compliance with the conditions of Rule 13 and the series of steps associated with implementation of the required six minimum control measures will satisfy the MEP standard. Compliance with the six minimum control measures requires the development and implementation of BMPs. Implementation of the BMPs includes not only the actions necessary to initiate and continue the use of specific control measures, but also, the enforcement actions, as applicable, to ensure that the implementation of the control measures occurs.

Measurable Storm Event. Means a precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

Municipal Separate Storm Sewer System (MS4). A Stormwater Conveyance System which is owned or operated by a state, city, town, county, tribe, district, association, or other public body or a designated and approved management agency under Section 208 of the Clean Water Act that discharges into Waters of the United States (40 CFR 122.26(b)(8)).

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of Pollutants to Waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge. Any discharge to the Stormwater Conveyance System that is not composed entirely of Stormwater including, but not limited to: sewage, process wastewater, washwater, water containing pollutants, or any other liquid, other than uncontaminated Stormwater, discharged from a facility.

Notice of Intent (NOI). A written notification indicating an Entity's intention to comply with the terms of a specified general permit rule in lieu of applying for an individual NPDES Stormwater Discharge Permit and includes information as required under 327 IAC 15-3 and the applicable general permit rule.

Pollutant. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes; yard wastes, including grass, brush, leaves, and limbs; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables, pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; soil and sediments; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Receiving Waters. Watercourses or Waters of the United States, or any body of water into which Stormwater is discharged.

Storm Drainage System. A non-MS4 Stormwater conveyance system that ultimately discharges to an MS4.

Stormwater Conveyance Systems. System of subsurface drainage systems, catch basins, and other drainage structures including retention and detention facilities, municipal streets, catch basins, curbs, gutters, roads with subsurface drainage systems, reservoirs, pumped piping systems, other drainage structures or watercourse.

Stormwater Pollution Prevention Plan (SWPPP). A document which describes the Best Management Practices and activities to be implemented by an Entity to identify sources of pollution or contamination at a site and the actions to eliminate or reduce Pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Technical Review and Comment Form. A form issued by the City of Carmel stating the SWPPP is adequate or stating revisions needed in the SWPPP.

Trained Individual. An individual who is trained and experienced in the principles of Stormwater quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding Stormwater quality control or treatment and monitoring.

Watercourse. Means "Watercourse" as defined in the Carmel City Code.

Waters of the United States. A term used in federal regulations that defines all water bodies regulated as waters of the U.S. It includes: (1) all waters which may be susceptible to use in interstate or foreign commerce; (2) all interstate waters, including interstate wetlands; (3) all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mud flats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters; (4) all impoundments of waters otherwise defined as waters of the U.S.; (5) tributaries of waters identified in this section; (6) the territorial seas; (7) wetlands adjacent to waters.

§6-182 Applicability.

This Ordinance shall apply to all Construction Activity, direct or indirect Stormwater discharges, and Illicit Discharges entering the Storm Drainage System, MS4, or Receiving Waters under the jurisdiction of the City of Carmel.

The City of Carmel, by and through its Board of Public Works and Safety, has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance. A meeting with the City of Carmel Engineering Department may be requested by an Entity to discuss the applicability of various provisions of the Ordinance with regards to unique or unusual circumstances. However, any initial determination of such applicability shall not be binding on future determinations of the City of Carmel Engineering Department that may be based on the review of more detailed information and plans.

§6-183 NPDES Stormwater Discharge Permit.

Any Entity subject to an NPDES Stormwater Discharge Permit shall comply with all provisions of such permit and the provisions of this ordinance if the provisions of this ordinance are more restrictive than the NPDES Stormwater Discharge Permit. Proof of compliance with said permit and this ordinance may be required in a form acceptable to the City of Carmel prior to allowing discharges to the MS4.

§6-184 Responsibility for Administration.

The City of Carmel, by and through its Board of Public Works and Safety, shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the City of Carmel may be delegated in writing by the City of Carmel Board of Public Works and Safety to persons acting in the beneficial interest of or in the employ of the agency.

§6-185 Conflicting Ordinances.

The provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by other City of Carmel codes and ordinances, and as supplemental requirements to Indiana's Rule 5 regarding Stormwater Discharge associated with Construction Activity and Indiana's Rule 13 regarding Stormwater runoff associated with MS4 conveyances. In case of conflicting requirements, the most restrictive shall apply. Unless otherwise stated, the most recent versions or editions of said codes, ordinances, laws, and statutes shall apply.

§6-186 Stormwater Technical Standards Manual.

The City of Carmel Stormwater Technical Standards Manual, and amendments thereto, are hereby incorporated herein by reference, with copies of the same being maintained in the Department of Engineering for public inspection during regular business hours.

§6-187 Interpretation.

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in "Definitions" shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this Ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings and as defined in 327 IAC 15-13 and 327 IAC 15-5 of the Indiana Code and other City of Carmel Codes and Ordinances.

§6-188 Severability.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

§6-189 Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this Ordinance does not intend nor imply that compliance by any Entity will ensure that there will be no contamination, pollution, nor unauthorized discharge of Pollutants. The degree of protection required by this Ordinance is considered reasonable for regulatory purposes. This Ordinance shall not create liability on the part of City of Carmel or any officer, representative, or employee thereof, for any damage that may result from reliance on this Ordinance or on any administrative decision lawfully made there under.

§6-190 Discharge Prohibitions.**A. Prohibition of Illicit Discharges.**

Ordinance D-1794-06

Page Five of Eighteen Pages

1. No Entity shall discharge directly or indirectly or cause to be discharged into the Storm Drainage System, MS4, or Receiving Waters any materials, including but not limited to, Pollutants or Non-Stormwater discharges that cause or contribute to a violation of applicable water quality standards, other than Stormwater.
2. The commencement, conduct or continuance of any Illicit Discharge to the Storm Drainage System, MS4, or Receiving Waters is prohibited except as described as follows:
 - a. The following discharges are exempt from the requirements of this Section: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.
 - b. Discharges specified in writing by the City of Carmel as being necessary to protect public health and safety.
 - c. Dye testing is an allowable discharge, but requires a verbal notification to the City of Carmel prior to the time of the test.
 - d. The prohibition shall not apply to any Non-Stormwater Discharge permitted under an NPDES Stormwater Discharge Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, including this ordinance, and provided that written approval has been granted for any discharge to the Storm Drainage System, MS4, or Receiving Waters.

B. Prohibition of Illicit Connections.

3. The construction, use, maintenance, or continued existence of Illicit Connections is prohibited.
4. This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
5. An Entity is in violation of this ordinance if the Entity makes an Illicit Connection or allows such a connection to continue after service of a notice of violation. This ordinance requires an immediate cessation of the Illicit Connection after service of the notice of violation.

§6-191 Watercourse Protection.

A. Improvement of Watercourse

Whenever a residential subdivision or commercial development constructs improvements upon lands, which is traversed by a watercourse, the landowner/developer shall make improvements to said watercourse. These improvements shall consist of the following:

Ordinance D-1794-06

Page Six of Eighteen Pages

Prepared by Carmel Engineering Department

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1. All debris and obstructions within the channel (bank to bank) shall be removed. This shall include but not be limited to logjams and trash.
2. Clear all trees which are dead and leaning at a 45 degree or greater angle or trees with roots that are exposed in the channel and potentially will fall into the stream. In clearing, the tree shall be cut flush with the ground and treated with an EPA-approved brush killer.
3. All stream bank erosion shall be repaired in an acceptable manner approved by the City of Carmel.
4. The above-required improvements must be reflected on the overall design plans for the development and submitted to the City of Carmel for prior approval.

B. Maintenance of Watercourse

Entities owning property through which a Watercourse passes, or such an Entity's lessee, shall keep and maintain that part of the Watercourse in accordance with this Ordinance and the City of Carmel Property Maintenance Code. In addition, the Entity or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The Entity or lessee shall not place or construct a privately owned structure(s) or other impairment as defined in the City of Carmel Property Maintenance Code within or adjacent to the Watercourse such that is an impairment or a detriment (as defined in the City of Carmel Property Maintenance Code) or in such a location that is in violation of the City of Carmel Property Maintenance Code.

§6-192 Storage of Pollutants.

Storage or stockpiling of pollutants within any floodplain district is strictly prohibited. Storage or stockpiling of pollutants on active construction sites must include adequate protection and/or containment so as to prevent any such materials from entering any temporary or permanent Stormwater conveyance or Watercourse.

§6-193 Access to Facilities.

- A. The City of Carmel shall be permitted to enter and inspect any Premises subject to regulation under this ordinance or subject to the conditions of a NPDES Stormwater Discharge Permit as often as may be necessary to determine compliance with this ordinance. If a said Premise has security measures in force, which require proper identification and clearance before entry into its Premise, the owner of said Premise shall make the necessary arrangements to allow access to representatives of the City of Carmel.
- B. The City of Carmel shall be provided ready access to all parts of the Premises for the purposes of inspection, sampling, examination and provided access to all records that must be kept under the conditions of a NPDES Stormwater Discharge Permit or this Ordinance and shall be permitted to make copies of said records, and the performance of any additional duties as defined by state and federal law and any other applicable codes, ordinances, or laws which would otherwise have jurisdiction over the provisions of this ordinance.
- C. Unreasonable delay or refusal to allow the City of Carmel access to a Premise subject to regulation under this ordinance or subject to the conditions of a NPDES Stormwater Discharge Permit is a violation of this ordinance.

- D. If the City of Carmel has been refused access to any part of the Premise, and The City of Carmel is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample any discharges as part of an inspection and sampling program developed to verify compliance with this Ordinance or any order issued hereunder, and/or to protect the overall public health, safety, and welfare of the City of Carmel, then the City of Carmel may seek issuance of a search warrant from any court of competent jurisdiction.
- E. Any temporary or permanent obstruction to safe and easy access to the Premise to be inspected and/or sampled shall be promptly removed by the owner of the Premises at the written or oral request of the City of Carmel and shall not be replaced. The costs of clearing such access shall be borne by the owner of the Premise.
- F. It shall be unlawful for the Entity of any Premise to refuse to allow the City of Carmel to enter upon the Premise for the purposes set forth in Section 27 of this Ordinance.

§6-194 Monitoring of Discharges.

- A. The City of Carmel shall have the right to install on any Premise, such devices as are necessary in the opinion of the City of Carmel to conduct monitoring and/or sampling of the Premise's discharge.
- B. The City of Carmel reserves the right to require the Entity of said Premise to install monitoring equipment as necessary. The Premise's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Entity at the expense of the Entity. Data resulting from said monitoring shall be provided to the City of Carmel. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

§6-195 Removal of Mud and Other Substances from City Streets.

No entity shall, under any circumstance, cause any mud, dirt, sand, gravel, stone or other similar substance to be deposited upon any City street at any time.

§6-196 Requirement to Prevent, Control, and Reduce Storm water Pollutants by the Use of Best Management Practices.

Any Entity responsible for a premise, which is, or may be, the source of an Illicit Discharge shall provide, at their own expense, reasonable protection from an Illicit Discharge through the use of acceptable Best Management Practices (BMPs), as determined by the City of Carmel. Acceptable BMPs are outlined in the City of Carmel Stormwater Technical Standards Manual. This shall include any premise having an approved NPDES Stormwater Discharge Permit.

§6-197 Notification of Spills.

Any Entity who knowingly or accidentally causes an Illicit Discharge shall immediately notify emergency dispatch services. A written report concerning the Illicit Discharge shall be filed with the City of Carmel Engineering Department, by the dischargers, within five (5) days. The written report shall specify:

- A. The composition of the discharge and the cause thereof;
- B. The date, time, and estimated volume of the discharge;
- C. All measures taken to remedy the Illicit Discharge, and all measures proposed to be taken to prevent any recurrence;

Ordinance D-1794-06

Page Eight of Eighteen Pages

Prepared by Carmel Engineering Department

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- D. The name and telephone number of the Entity making the report, and the name and telephone number of the Entity who may be contacted for additional information on the matter.

A properly reported Illicit Discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against an Entity for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the Illicit Discharge. An Illicit Discharge shall be considered properly reported only if the Entity complies with all the requirements of this section. This requirement does not relieve the Entity from notifying other agencies as required by State or Federal regulations.

§6-198 Floodplain Management.

Filling of the land in the floodplain of a regulated drain or any natural stream or watercourse, that has a contributing drainage area of 25 acres or more, located within the City of Carmel is prohibited. The use of the floodplain area for detention/retention ponds or lakes is also prohibited. Floodplain boundaries are to be determined by using the 100-year Base Flood Elevation (BFE) as shown on the Flood Insurance Rate Maps (FIRM) of the Federal Emergency Management Agency (FEMA) and the Hamilton County 1-foot topographic data available on the Hamilton County GIS webpage.

- A. If during the process of using the BFE and the 1-foot topographic data it is determined that the FIRM is incorrect, then a Letter of Map Revision (LOMR) to correct the FIRM is to be filed with FEMA. No filling of the floodplain, either the floodplain shown on the FIRM or the floodplain determined by the Floodplain Study, whichever is more conservative, will be allowed until an approved copy of the LOMR is provided to the City of Carmel.
- B. If a FIRM does not establish a 100-year BFE for a regulated drain, natural stream, or natural watercourse, the 100-year BFE shall be established through a site specific Floodplain Study performed by a Professional Engineer registered in the State of Indiana in accordance with the IDNR Hydraulic Modeling Guidelines.
 1. If the drainage area for the Floodplain Study is greater than 1 square mile at the farthest downstream point of the study, then the Floodplain Study must be submitted to IDNR – Division of Water for approval and to the City of Carmel for review and comment. A copy of the final study, approved by IDNR – Division of Water, must be submitted to the City of Carmel as part of the project requiring the study to be completed.
 2. If the drainage area for the Floodplain Study is less than 1 square mile at the farthest downstream point of the study, then the Floodplain Study must be submitted to the City of Carmel for review and approval. The City of Carmel will have the option to send the Floodplain Study to a consulting engineering firm for review and comment, should the accuracy of the Floodplain Study be in question. The cost of the consulting engineering firm's time will be the responsibility of the owner of the project and will need to be consented to in a written agreement prior to any review of the Floodplain Study by the consulting engineer.
- C. The requirements of the section do not apply to the following:
 1. Agricultural uses such as crop production, pastures, orchards, tree farms, planting nurseries, vineyards, and general farming.
 2. Forestry, wildlife areas and nature preserves.
 3. County, City, or Township Parks

4. Public Streets, bridges, and roadways, as long as the crossing structure are properly sized to convey the natural stream or watercourse and not raise the 100-year BFE.
5. Regional Detention Basins approved by the City of Carmel.

§6-199 Storm water Management Permit Requirements and Procedures.

An approved Stormwater Management Permit shall be obtained prior to the initiation of any Construction Activities. In order to obtain a Stormwater Management Permit, the applicant shall be the Entity responsible for accomplishing the Construction Activity for which the Stormwater Management Permit was issued. In granting a Stormwater Management Permit, the City of Carmel may impose such terms and conditions as are reasonably necessary to meet the purpose of this Ordinance. The Entity shall insure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in Section 23 of this ordinance. The Entity shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the Stormwater Management Permit and the schedule for proposed implementation.

- A. The project site owner shall submit an application for a Stormwater Management Permit to the City of Carmel. The application will include a Stormwater Management Permit application form, construction plan sheets, stormwater drainage technical report, a stormwater pollution prevention plan, the applicable fees, and any other necessary support information, unless submitting to the Technical Advisory Committee, in which case, the owner shall insure the required documents are included in the Technical Advisory Committee packet. Specific information to be included in the application shall be prepared as state in the Storm water Technical Standards Manual Chapter 100. All plans, reports, calculations, and narratives shall be prepared in accordance with the City of Carmel Stormwater Technical Standards Manual and signed and sealed by a professional engineer, registered by the State of Indiana.
- B. The City of Carmel will review each application for a Stormwater Management Permit to determine its conformance with the provisions of this Ordinance. The City of Carmel will take one of the following actions:
 1. Approve the SWPPP for active construction sites and for post-construction and provide a Technical Review and Comment Form stating the "Plan is Adequate".
 2. Approve the SWPPP for active construction sites and for post-construction subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Ordinance, and issue the Technical Review and Comment Form stating the "Plan is Adequate" with said conditions outlined.
 3. Provide a Technical Review and Comment Form stating the "Plan is Deficient" and indicating the reason(s) and procedure for submitting a revised application and/or submission.

Any changes or deviations in the detailed plans and specifications after approval of the applicable Stormwater Management Permit shall be filed with, and accepted by, the City of Carmel prior to the commencement of Construction Activity involving the change. Applicable fees, with respect to the review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data, as well as any applicable pre-paid inspection fees, are due in accordance with the City of Carmel Department of Engineering Fee Ordinance before any permit is issued. The City of Carmel shall have the right to not accept the drainage improvements or to not accept the advancement of any project for which the applicable fees have not been paid.

- C. After receiving a Technical Review and Comment Form stating the “Plan is Adequate”, the project site owner must notify the City of Carmel and IDEM 48 hours before beginning construction. Notification shall be in the form of an IDEM NOI form along with proof of publication of public notice. The publication must include the following:

“(Company name, address) is submitting an NOI letter to notify the City of Carmel and the Indiana Department of Environmental Management of our intent to comply with the requirements of the City of Carmel Stormwater Management Ordinance, as well as the requirements of 327 IAC 15-5 and 327 IAC 15-13, to discharge stormwater from construction activities for the following project: (name of the construction project, address of the location of the construction project, and Parcel Identification Number). Run-off from the project site will discharge to (stream(s) receiving the discharge(s)).”

Once a permit has been issued and the updated NOI submitted to the City of Carmel and IDEM 48 hours before beginning construction, construction may commence. A stop work order per Section 24 shall be issued by the City of Carmel for all projects that are proceeding without such notification.

- D. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures to ensure compliance with the City of Carmel’s applicable ordinances and the terms and conditions of the approved permit, in accordance with Section 22 of this Ordinance. Lack of maintenance of stormwater pollution prevention measures during construction or failure to implement the approved SWPPP by the approved schedule of implementation shall constitute a violation of this ordinance, subject to enforcement under the provisions of this ordinance.
- E. Upon completion of construction activities, as-built plans must be submitted to the City of Carmel.
- F. The Entity must submit a Notice of Termination (NOT) letter to the City of Carmel once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed. The City of Carmel shall inspect the construction site and verify the requirements for an NOT have been met. Once the applicant receives a “verified” copy of the NOT, they must forward a copy to IDEM.

§6-200 Individual Lot Plot Plan Permit Requirements and Procedures.

For individual lots disturbing less than one (1) acre, developed within a larger permitted project, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. The individual lot owner must complete a Residential Lot Plot Plan Permit application, in accordance with the Stormwater Technical Standards Manual. In submitting the individual lot plot plan for plan review, applicable fees are due in accordance with the City of Carmel Department of Engineering Fee Ordinance. These fees are due before approval for a plan can be issued. The individual lot owner is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized. In instances where an NOT has been issued to the developer and there are multiple lots being developed and a violation of this ordinance occurs that cannot be attributed to an individual lot owner, then all lot owners with active construction shall, collectively, be found in violation.

§6-201 Performance Surety and Maintenance Guarantee.

As a condition of approval and issuance of the permit, the City of Carmel shall require the applicant to provide financial performance and maintenance guarantees in accordance with Section 5.07 of the City of Carmel Subdivision Control Ordinance. Said assurance will guarantee a good faith execution of the stormwater drainage plan, the SWPPP, the stormwater quality management plan, and any permit conditions.

Ordinance D-1794-06

Page Eleven of Eighteen Pages

Prepared by Carmel Engineering Department

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Notice of the scheduled date for completion of construction shall be provided to the City of Carmel at least seventy-two (72) hours prior to its planned completion. The owner will schedule the final inspection, the storm drain and site grading. Performance sureties will be released in accordance with Section 5.07.03.

§6-202 Construction Activity Inspection.

- A. A self-monitoring program shall be implemented for all permitted land disturbing activities. A Trained Individual shall perform a written evaluation of the project site by the end of the next business day following each Measurable Storm Event. If there are no Measurable Storm Events within a given week, the site should be monitored at least once in that week.
- B. The evaluation shall document the maintenance efforts of existing Best Management Practices to ensure proper function in accordance with this ordinance; and identify additional measures necessary to remain in compliance with all applicable statutes and rules.
- C. Written evaluation reports include the following:
 1. The name of the individual performing the evaluation;
 2. The date of the evaluation;
 3. Problems identified at the project site; and
 4. Details of corrective actions recommended and completed
- D. All evaluation reports for the project site shall be made available to the City of Carmel within forty-eight (48) hours of a request.
- E. The City of Carmel will perform inspections at their discretion to evaluate the installation, implementation, and maintenance of control measures and management practices at any project site involved in Construction Activities and provide necessary recommendations for conformance with the provisions of this ordinance and the Stormwater Management Permit. Access to the construction project site shall be provided in accordance with Section 14 of this Ordinance. If inspections are required outside the set inspection schedule (City of Carmel Department of Engineering Fee Ordinance) than an additional re-inspection fee will be charged (City of Carmel Department of Engineering Fee Ordinance).
- F. A pre-construction meeting is required to be held with the participation of the City of Carmel and other entities involved prior to any grading activity to ensure that appropriate erosion control measures have been implemented on the site and the location of any existing tiles have been properly marked.
- G. If after a recommendation is provided to the Entity, corrective action is not taken; the City of Carmel will pursue enforcement in accordance with this ordinance.

Ordinance D-1794-06

Page Twelve of Eighteen Pages

§6-203 Post Construction Stormwater Quality Management.

The City of Carmel has established a minimum standard that the measurement of the effectiveness of the control of stormwater quality will be based on the management of Total Suspended Solids (TSS). The project site owner must submit to the City of Carmel, a post-construction SWPPP that would show placement of appropriate BMP(s) from a pre-approved list of BMPs specified in the City of Carmel Stormwater Technical Standards Manual and would demonstrate that the expected TSS loadings in runoff associated with one inch of rainfall will be reduced by a minimum of 80% at the outfall(s) exiting the site. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the City of Carmel Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance (minimum 80% TSS removal) and ease of maintenance of such practices will be according to guidelines provided in the City of Carmel Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are provided in the City of Carmel Stormwater Technical Standards Manual.

The following activities are exempt from the requirements of this Section:

- A. agricultural land-disturbing activities; or
- B. timber harvesting activities; or
- C. construction activities associated with a single family residential dwelling disturbing less than five (5) acres, when the dwelling is not part of a larger common plan of development or sale; or
- D. a single-family residential strip development where the developer offers for sale or lease without land improvements and the project is not part of a larger common plan of development of sale; or
- E. individual building lots within a larger permitted project.

§6-204 BMP Maintenance.

BMPs shall be maintained in a condition that their effectiveness in treating runoff is not diminished, in accordance with the Operation and Maintenance procedures and schedules listed in the Indiana Stormwater Quality Manual or the City of Carmel Stormwater Technical Standards Manual, and the terms and conditions of an approved Stormwater Management Permit, and shall not be subsequently altered, revised, or replaced, except in accordance with the provisions of an approved Stormwater Management Permit (as amended or revised) or as approved by the City of Carmel. The BMP owner is considered in violation of this ordinance if the BMP is not maintained properly.

Following the issuance of an NOT or the installation of an acceptable BMP, inspection and maintenance of the BMP(s) shall be the long-term responsibility of the HOA or Entity as specified in restrictive covenants. The HOA or Entity is required to inspect the referenced BMP(s) at least once per year. The inspections shall follow the Operation and Maintenance procedures included in the City of Carmel Stormwater Technical Standards Manual and/or the Stormwater Management Permit for each specific BMP. The inspection shall cover physical conditions, available water quality storage capacity, and the operational condition of key facility elements. The HOA or Entity is required to submit a yearly inspection report form (City of Carmel Stormwater Technical Standards Manual) demonstrating proof of inspection, with the first report to be required one year after the HOA or Entity gains ownership of the BMP(s), and subsequent reports due each year within the month of the original transfer of ownership. Noted deficiencies and corrective actions taken should be included in the report.

Ordinance D-1794-06

Page Thirteen of Eighteen Pages

The City of Carmel has the authority to perform long-term inspection of all public or privately owned BMPs. Such inspections will be in addition to that required to be performed by the HOA or the Entity on a regular basis. The HOA or Entity is in violation of this ordinance if an inspection report is not submitted to the City of Carmel within one month of the date due, if the HOA or Entity fails to correct noted deficiencies within the allowed time period, or if the City of Carmel identifies a violation that was stated as not existing in the submitted inspection report.

§6-205 Notice of Violation.

- A. In the event an Entity has violated this Ordinance, the City of Carmel may order compliance by written Notice of Violation to the Entity. Such notice may require without limitation:
 1. The performance of monitoring, analyzing, and reporting;
 2. The elimination of Illicit Connections or Illicit Discharges;
 3. That Illicit Discharges shall cease and desist;
 4. The abatement or remediation of the Illicit Discharge and the restoration of any affected property;
 5. Payment of a fine;
 6. The implementation of source control and/or installation of acceptable BMPs;
 7. Payment of any costs borne by the City of Carmel, including but not limited to, remediation costs, legal fees, consultant fees, monitoring costs, construction costs, collection fees;
 8. The installation, implementation, and/or maintenance of the approved components of a SWPPP or other erosion and sediment control practices as deemed necessary by the City of Carmel;
 9. Issuance of a Stop Work Order; and/or
 10. Revocation or suspension of the Stormwater Management Permit.
- B. The City of Carmel may, without prior Notice of Violation, suspend Storm Drainage System or MS4 access to an Entity in the form of a Suspension Order when such suspension is necessary to stop an actual or threatened Illicit Discharge which presents or may present imminent and substantial danger.
- C. The Notice of Violation or Suspension Order shall:
 - a. Be in writing;
 - b. Include a description of the property for identification;
 - c. Include a statement of the violation(s) and section violated and why the notice or order is being issued;
 - d. Include a description of corrective actions to be taken allowing a sufficient reasonable amount of time, of at least one (1) day from the time the Notice of Violation or Suspension Order is given, to make the repairs and improvements required to bring the property into compliance with the provisions of this ordinance; and

- e. Include a notice containing the right to appeal the City of Carmel's determination to the Board of Public Works in accordance with Section 25 of this ordinance.
- D. Reinspection of remedied violations will be assessed a reinspection fee in accordance with the City of Carmel Department of Engineering Fee Ordinance.
- E. If the Entity fails to comply with a Suspension Order or fails to perform steps provided in a Notice of Violation within the established deadline, then the City of Carmel may take steps as deemed necessary to prevent or minimize damage or remediate a violation. All reasonable costs associated with the abatement or restoration shall be assessed against the owner of the property and may be filed as a lien against the property in the amount of the assessment. It shall be unlawful for any Entity, owner, agent or person in possession of any Premise to refuse to allow the City of Carmel or its designated contractor to enter upon the Premise for the purposes set forth above.
- F. In the event of a Suspension, the City of Carmel shall not reinstate suspended services or MS4 access to the Entity until the Entity presents proof, satisfactory to the City of Carmel, the Illicit Discharge has been eliminated and its cause determined and corrected. An Entity violates this ordinance if the Entity reinstates MS4 access to Premises terminated pursuant to this section, without the prior approval of the City of Carmel.
- G. In addition to the penalties listed above, if Construction Activities are conducted contrary to the provisions of this Ordinance or a Stormwater Management Permit, the City of Carmel may order the work stopped by notice in writing, in the form of a Stop Work Order, served on any Entity engaged in the doing or causing of such work to be done, and any such Entity shall forthwith stop such work until authorized by the City of Carmel to proceed with the work.

§6-206 Appeal of Notice of Violation.

- A. Any Entity receiving a notice of violation may appeal the determination of violation to the effect that a Notice of Violation or Order served in accordance with this ordinance is in error, or should, due to hardship, be modified or entitled to a variance from enforcement, or that a reasonable extension of time for the compliance should be granted upon the grounds of a demonstrated case of hardship and evidence of an actual undertaking to correct the violation, together with a legitimate intent to comply within a reasonable time period, may appeal to the Board of Public Works for rescission of the Notice or Order, or for a modification, variance, or extension of time for compliance.
- B. A request for rescission, modification, variance, or extension of time shall be made in writing, to the City of Carmel Clerk/Treasurer's Office, to be placed on the Board of Public Works and Safety agenda, within ten (10) days of the Appellant's receipt of a copy of the Notice or Order. The Board of Public Works and Safety shall schedule a hearing within thirty (30) days of receipt of the request.
- C. All hearings before the Board of Public Works and Safety shall be open to the public. The appellant, the appellant's representative, and any persons whose interests are affected shall be given an opportunity to be heard.
- D. Prior to ruling on an appeal, the Board of Public Works and Safety shall make the following findings:
 - 1. The violator was served with a Notice or Order
 - 2. The Notice or Order that was served stated the specific nature of the violation; corrective action to be taken to abate the violation; and a specific time period for abatement of violation.

Ordinance D-1794-06

Page Fifteen of Eighteen Pages

Prepared by Carmel Engineering Department

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3. Within the time period stipulated by the Notice or Order, the violator failed to comply by not abating the violation, and/or not bringing into compliance with this ordinance.
 4. Upon expiration of the date indicated for compliance in the Notice or Order, the premises was being maintained in violation of specific provisions of this ordinance and/or conditions imposed by Board of Public Works and Safety as a prerequisite to the modification of a previous compliance order.
 5. Determination that a violation exists on the premises.
- E. At the conclusion of the hearing at which a continuance is not granted, the Board of Public Works and Safety may reverse, affirm, or modify the Order, Notice, requirement, decision or determination appealed from, and may make such Order, requirement, decision or determination as justice would require. The Board's determination and findings of fact shall be recorded and if a Notice or Order is affirmed or modified, the Board of Public Works and Safety shall, in the determination on appeal, reestablish a reasonable timeline to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Ordinance.
- F. Any entity, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law.
- G. Appeals of notices and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the Board of Public Works and Safety hears rules on the appeal.

§6-207 Transfer of Ownership.

No owner of any premise upon whom a Notice of Violation has been served shall sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the Notice of Violation have been complied with, or until such owner first furnishes the grantee, transferee, mortgagee or lessee a true copy of any compliance order or Notice of Violation issued by the City of Carmel and furnishes to the City of Carmel a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility without condition for making corrections or repairs required by such Notice of Violation.

§6-208 Penalties for Violations.

Violations of this Ordinance are subject to civil fines and penalties as prescribed by the provisions of the City of Carmel Code of Ordinances, General Provisions, Section 1-11.

§6-209 Full Force and Effect.

This Ordinance shall be in full force and effect from and after its passage, signing by the Mayor and publication as required by law.

All ordinances or parts thereof in conflict with the provisions of the Ordinance are hereby repealed."

Ordinance D-1794-06

Page Sixteen of Eighteen Pages

Section 3. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 4. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 5. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of _____ 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

_____ Presiding Officer	_____ Joseph C. Griffiths
_____ Richard L. Sharp, President Pro Tempore	_____ Kevin Kirby
_____ Ronald E. Carter	_____ Brian D. Mayo
_____ Fredrick J. Glaser	_____ Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-1794-06
Page Seventeen of Eighteen Pages

Presented by me to the Mayor of the City of Carmel, Indiana, this _____ day of _____
_____ 2005, at _____ O'clock, _____. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____
_____ 2005, at _____ O'clock, _____. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-1794-06
Page Eighteen of Eighteen Pages

RESOLUTION CC-01-23-06-01
(Formerly CC-01-09-06-02)

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
CARMEL, INDIANA, APPROVING AN AMENDMENT TO THE CARMEL/CLAY
COMPREHENSIVE PLAN REGARDING CIVIC DESIGN POLICIES**

WHEREAS, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

WHEREAS, the 2020 Vision Comprehensive Plan (the “Comprehensive Plan”) was approved and recommended by the Carmel Clay Plan Commission on August 20, 1996, and duly approved by resolution of the Common Council on September 24, 1996, and is therefore the official Comprehensive Plan of the City of Carmel and Clay Township; and

WHEREAS, the Carmel Clay Plan Commission has duly approved, and recommended to the Common Council, an amendment to the community’s Comprehensive Plan which gives recommendations for Civic Design Policies in Carmel’s central core;

WHEREAS, the Carmel Advisory Plan Commission, at its regularly scheduled meeting of Tuesday, December 20, 2005, voted to forward Comprehensive Plan Amendment Docket No. 05100008 CPA to the Common Council with a favorable recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Carmel, Indiana, that:

Section One: The Common Council adopts CIVIC DESIGN, as part of the 2020 Vision Comprehensive Plan with the understanding that the principles, recommendations and maps contained within CIVIC DESIGN serve to formally recognize the purpose and activities of the Carmel Urban Design Initiative. The adoption of CIVIC DESIGN does not bind the Plan Commission or Common Council to take steps toward its full or partial implementation, rather it is proposed to guide conversations and set positive examples of the ways in which Carmel’s Central Core could evolve.

Section Two: After its adoption, this Resolution shall be filed in the office of the Clerk-Treasurer of the City of Carmel, who shall also forward one (1) copy of this Resolution to the secretary of the Carmel Advisory Plan Commission and one (1) copy to the office of the Hamilton County Recorder, all in accordance with IC 36-7-4-509 and other applicable laws.

Section Three: This Resolution shall be in full force and effect from the date of passage, and its publication, as provided by law.

Resolution CC-01-23-06-01 PASSED by the Common Council of the City of Carmel, Indiana this ____ day of _____ 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Resolution CC-01-23-06-01 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____, 2006, at _____ .M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Resolution CC-01-23-06-01 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____, 2006, at _____ .M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by: John R. Molitor
Carmel Plan Commission Attorney
One Civic Square
Carmel, IN 46032

RESOLUTION CC-01-23-06-02

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CARMEL,
INDIANA, AMENDING THE CONTRACT WITH THE CARMEL PROFESSIONAL
FIREFIGHTERS ASSOCIATION**

WHEREAS, pursuant to Indiana law, the City of Carmel, Indiana (“City”) has established a contractual relationship with Carmel Professional Firefighters Association (“Association”), pertaining to issues involving the hours, working conditions and certain other benefits of members of the Carmel Fire Department; and

WHEREAS, the City and the Association now wish to revise their contractual relationship; and

WHEREAS, the agreement attached hereto as Exhibit A, (THE “Agreement”) sets forth the new contractual relationship between the City and the Association; and

WHEREAS, upon the proper execution of the Agreement by the Carmel Board of Public Works and Safety, the Common council desires to accept and adopt the Agreement as an enforceable contract and obligation of the City.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Carmel, Indiana, that:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. The Common council hereby encourages the Board of Public Works and Safety to approve and execute the Agreement at its earliest convenience.

Section 3. As of the date on which the Agreement is properly executed by the Board of Public Works and Safety in its present form, the Common Council hereby accepts and adopts the Agreement as an enforceable contractual obligation of the City.

SO RESOLVED by the Common Council of the City of Carmel, Indiana this _____ day of _____, 2006, by a vote of _____ ayes and _____ nays.

1
2 **COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA (“COMMON**
3 **COUNCIL”)**

4
5 BY:

6
7
8
9 _____
10 Presiding Officer

_____ Joseph C. Griffiths

11
12
13 _____
14 Richard L. Sharp, President Pro Tempore

_____ Brian D. Mayo

15
16
17 _____
18 Ronald E. Carter

_____ Kevin Kirby

19
20
21 _____
22 Fredrick J. Glaser

_____ Mark Rattermann

23
24 ATTEST:

25
26
27 _____
28 Diana L. Cordray, IAMC, Clerk-Treasurer

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30
31
32 PREPARED BY: Clerk-Treasurer's Office/ Orbie Bowles, Carmel Professional
33 Firefighters Local #4444